



भारत का राजपत्र

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सं० 50]

नई दिल्ली, शनिवार, दिसम्बर 12, 1998/अग्राहायण 21, 1920

No. 50]

NEW DELHI, SATURDAY, DECEMBER 12, 1998/AGRAHAYANA 21, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालय (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 नवम्बर, 1998

अधिकारिता का विस्तार पश्चिमी बंगाल के संपूर्ण राज्य पर
करती है।

[सं. 228/50/98-ए.पी.डी.-II]

हरी सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 27th November, 1998

का.प्रा 2545.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस
स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25)
की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए, 1998 की रिट याचिका सं. 3715 में माननीय
पश्चिमी बंगाल उच्च न्यायालय बलुआ के तारीख 6-7-1998
के आदेशानुसार पुलिस थाना बड़ा बाजार जिला पुरलिया
(पश्चिमी बंगाल) पर पुलिस द्वारा तारीख 10-2-1998 से
तारीख 16-2-1998 के दौरान श्री बुधन साबर के सर्वोप परि-
रोध और यातना देने के संबंध में जिसके परिणामस्वरूप जिला
जेल, पुरलिया में तारीख 17-2-1998 को उसकी मृत्यु
हो गई है, पुलिस थाना बड़ा बाजार जिला पुरलिया (पश्चिमी
बंगाल) के गामला एफ. आई. आर सं. 5/98, तारीख
27-2-1998 के भारतीय दंड संहिता, 1860 की धारा 120 ख
के साथ पठित भारतीय दंड संहिता की धारा 34/342/
323/325/302 के अधीन दंडनीय अपराध के अन्वेषण के
लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और

S.O. 2545.—In exercise of the powers conferred
by sub-section (1) of Section 5 read with Section 6
of the Delhi Special Police Establishment Act, 1946
(Act No. 25 of 1946), the Central Government as
per the order of Hon'ble High Court of West Bengal
Calcutta dated 6-7-98 in Writ Petition No. 3715 of
1998, hereby extends the powers and jurisdiction of
the members of Delhi Special Police Establishment
to the whole of the State of West Bengal investigation
of offences punishable under sections 341/342/323/
325/302 of the Indian Penal Code, 1860 read with
section 120-B of Indian Penal Code, 1860 of Case
FIR No. 5/98 dated 27-2-1998 of Police Station
Barabazar District, Purulia (West Bengal) relating to

the wrongful confinement and torture of Sh. Budhan Sabar during 10-2-1993 to 16-2-1998 by Police at Barabazar Police Station District (West Bengal) as a result of which he dies on 17-2-1998 in the District Jail, Purulia.

[No. 228/50/98-AVD. II]
HARI SINGH, Under Secy.

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 24 नवम्बर, 1998

का.आ. 2546:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2001 तक जिला सहकारी बैंक लि. उन्नाव (उत्तर प्रदेश) पर लागू नहीं होंगे।

[फा. सं. 1(26)/98-ए.सी.]

एस. के. ठाकुर, अवर सचिव
MINISTRY OF FINANCE
(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th November, 1998

S.O. 2546.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Zila Sahakari Bank Ltd., Unnao (Uttar Pradesh) from the date of publication of this notification in the official Gazette to 31 March 2001.

[F. No. 1(26)/98-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 24 नवम्बर, 1998

का.आ. 2547:—भारतीय रिजर्व बैंक की संस्तुति पर बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा घोषणा करती है कि जिला सहकारी बैंक लि., बलिया (उत्तर प्रदेश) पर, उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से 31 मार्च, 2002 तक लागू नहीं होंगे।

[फा. सं. 1(27)/98-ए.सी.]

एस. के. ठाकुर, अवर सचिव

New Delhi, the 24th November, 1998

S.O. 2547.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the

recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the District Cooperative Bank Ltd., Ballia (Uttar Pradesh) from the date of publication of this notification in the official Gazette to 31 March 2002.

[F. No. 1(27)/98-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 24 नवम्बर, 1998

का.आ. 2548:—भारतीय रिजर्व बैंक की संस्तुति पर, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, घोषणा करती है कि श्री गायत्री सहकारी शहरी बैंक लि., गाचीबाउली, हैदराबाद पर 31-3-1998 को समाप्त वर्ष के लिए उसके द्वारा उसके तुलन पत्र, लाभ-हानि लेखे एवं लेखा परीक्षक की रिपोर्ट सप्ताहवार पत्रों में प्रकाशन करने के संबंध में बैंककारी विनियमन (सहकारी समितियाँ) नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपबंध लागू नहीं होंगे।

[फा. सं. 1(28)-98-ए.सी.]

एस. के. ठाकुर, अवर सचिव

New Delhi, the 24th November, 1998

S.O. 2548.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of Reserve Bank of India hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Sri Gayatri Co-operative Urban Bank Ltd., Gachibowli, Hyderabad in so far as they relate to the publication of their balance sheet and profit and loss account for the year ended 31st March, 1998 with the auditor's report in the newspaper.

[No. 1(28)/98-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 27 नवम्बर, 1998

का.आ. 2549 राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 9 के उपखण्ड (1) और (2) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा इस समय अखिल भारतीय विजया बैंक अधिकारी परिषद के महासचिव विजया बैंक, प्रधान कार्यालय बेंगलूर में प्रबंधक (ऋण अंतर्राष्ट्रीय बैंकिंग प्रभाग) के रूप में तैनात, श्री सी. गोपीनाथ नायर को 27 नवम्बर, 1998 से 26 नवम्बर, 2001 तक अथवा विजया बैंक के अधिकारी के रूप में निदेशक नामित करती है। यह नामांकन रिट उनकी सेवाएं समाप्त होने तक, इनमें से जो भी पहले हो, विजया बैंक के बोर्ड में याचिका संख्या 4422-23/1998-एल पर वर्नाटक उच्च न्यायालय के अन्तिम निर्णय के अधीन होगा।

[फा. संख्या 9/22/98-बी.ओ.]
के.के. मंगल, अवर सचिव

New Delhi, the 27th November, 1998

with Reserve Bank of India, hereby makes the following appointments:—

S.O. 2549.—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) and (2) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India hereby nominates Shri C. Gopinathan Nair, presently General Secretary of the All India Vijaya Bank Officers' Association posted at Vijaya Bank, Head Office, Bangalore as Manager (Credit, International Banking Division), as a Director on the Board of Vijaya Bank with effect from 27th November, 1998 and upto 26th November, 2001 or until he ceases to be an officer of Vijaya Bank, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 9/22/98-B.O.I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 30 नवम्बर, 1998

का.आ. 2550:—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खंड (क) और (ख) और धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा निम्नलिखित नियुक्तियाँ करती है :—

1. भारतीय स्टेट बैंक के प्रबंध निदेशक, श्री एम.पी. राधाकृष्णन की नियुक्ति भारतीय स्टेट बैंक के अध्यक्ष के रूप में दिनांक 1 दिसम्बर, 1998 से 31 जनवरी, 1999 तक की अवधि के लिए।

2. श्री जी. जी. वैद्य, उपप्रबंध निदेशक की नियुक्ति भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में, दिनांक 1 दिसम्बर, 1998 से 31 जनवरी, 1999 तक की अवधि के लिए।

3. श्री जी. जी. वैद्य, उपप्रबंध निदेशक की नियुक्ति भारतीय स्टेट बैंक के अध्यक्ष के रूप में दिनांक 01 फरवरी, 1999 से 31 अक्टूबर, 2000 तक की अवधि के लिए।

[फा. सं. 8/5/98-बी. ओ. I]

एम. दामोदरन, संयुक्त सचिव

New Delhi, the 30th November, 1998

S.O. 2550.—In exercise of the powers conferred by clause (a) and (b) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955) the Central Government in consultation

1. Appointment of Shri M. P. Radhakrishnan, Managing Director, State Bank of India as Chairman, State Bank of India for the period from 1st December, 1998 and upto 31st January, 1999.

2. Appointment of Shri G. G. Vaidya, Deputy Managing Director, State Bank of India as Managing Director, State Bank of India for the period from 1st December, 1998 and upto 31st January, 1999.

3. Appointment of Shri G. G. Vaidya, Deputy Managing Director State Bank of India as Chairman, State Bank of India for the period from 1st February, 1999 and upto 31st October, 2000.

[F. No. 8/5/98-B. O. I]

M. DAMODARAN, Jt. Secy.

(बीमा प्रभाग)

नई दिल्ली, 30 नवम्बर, 1998

का.आ. 2551 बीमा अधिनियम, 1938 (1938 का 4) की धारा 27क की उपधारा (I) के खंड (i) द्वारा प्रदत्त शक्तियों के अनुसरण में, केन्द्र सरकार एतद्वारा भारतीय रिजर्व बैंक द्वारा स्वीकृत सरकारी प्रतिभूति बाजारों में प्राथमिक डीलरों के लिए दिनांक 29 मार्च, 1995 के अपने विज्ञापन निर्देशों के अन्तर्गत सभी प्राथमिक डीलरों के साथ हुण्डियों को दुबारा भुनाने की स्कीम आदि के अन्तर्गत-मांग/पूर्वना जमा, वाणिज्यिक हुण्डियों जैसे विभिन्न पूंजी बाजार साधनों में उक्त धारा के प्रयोजनार्थ अनुसूचित निदेश के रूप में निधियों के नियोजनों की घोषणा करती है।

[फा. सं. 131(40) /नि./IV/88]

राजेंद्र प्रसाद, अवर सचिव

(Insurance Division)

New Delhi, the 30th November, 1998

S.O.2551.—In exercise of the powers conferred by Clause (q) of Sub-Section (1) of Section 27A of the Insurance Act, 1938 (4 of 1938), the Central Government hereby declares placement of funds in various money market instruments like Call/Notice Deposits, Commercial Bills under Bills Rediscounting Scheme etc. with all the Primary Dealers approved by Reserve Bank of India under their guidelines dated 29th March 1995 for Primary Dealers in Government Securities market as 'Scheduled Investment' for the purpose of the said section.

[F. No. 131(40)|Inv. IV|88]

RAJENDRA PRASAD, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)
नई दिल्ली, 26 नवम्बर, 1998

का.आ. 2552—होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबन्धों के अनुसरण में, डा. एम.पी. प्रकाशम को कालीकट विश्वविद्यालय से केन्द्रीय होम्योपैथी परिषद का सदस्य निर्वाचित किया गया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का.आ. 482 (अ), तारीख 6 अगस्त, 1974 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना की सारणी में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित” शीर्ष के अन्तर्गत क्रम संख्या 4 और उसके संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जायेगा:—

सदस्य का नाम और पता	राज्य/संघ राज्य क्षेत्र का नाम
(1)	(2)
“4. डा. एम. पी. प्रकाशम असिस्टेंट प्रोफेसर, गवर्नमेंट होम्योपैथिक मैडिकल कालेज, कोजिकोडे-10	कालीकट विश्वविद्यालय”

[फा.सं. बी-27021/46(26)/94-होम्यो-ई.यू.]

चिरंजी लाल, अवसर सचिव

पाद टिप्पणी:—मूल अधिसूचना का.आ.सं. 482(अ), तारीख 6 अगस्त, 1974 द्वारा जारी की गई तथा उसमें अधिसूचना सं. का.आ. 740(अ) तारीख 29 अगस्त, 1998 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF HEALTH AND FAMILY
WELFARE

(Department of ISM & Homoeopathy)

New Delhi the 26th November, 1998

S.O.—552 Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of

1973) Dr. M.P. Prakasam has been elected as a member to the Central Council of Homoeopathy from the University of Calicut.

Now therefore in exercise of the powers conferred by sub-section (1) of section 3 of the said Act the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health and Family Planning (Department of Health) No. S.O. 482(E) dated the 6th August 1974 namely:—

In the table to the said notification under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial No. 4 and the entries relating thereto the following shall be substituted namely:—

Name and address of member	Name of State/ Union Territory
(1)	(2)
“4. Dr. M.P. Prakasam Assistant Professor Government Homoeo- pathic Medical College Kozhikode-10.	University of Calicut”

[F. No. V-27021/46(26)/94/Homoco-EU]
CHIRANJI LAL, Under Secy.

Footnote:—The principal notification was issued vide S.O. No. 482 (E) dated 6th August 1974 and was last amended vide notification No. S.O. 740 (E) dated 29th August 1990.

मानव संसाधन विकास मंत्रालय
(संस्कृति विभाग)

नई दिल्ली, 30 नवम्बर, 1998

का.आ. 2553 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालयों को जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

भारतीय मानव विज्ञान सर्वेक्षण,
मध्य क्षेत्रीय केन्द्र, नागपुर

[संख्या एफ 1-2/95-हिन्दी]

जय प्रकाश कर्दम, उपनिदेशक (रा.भा.)

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT

(Department of Culture)

New Delhi, the 30th November, 1998

S.O. 2553,—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for official

purpose of the Union) Rules, 1976 the Central Govt. hereby notifies the following office under the Ministry of Human Resources Development, Department of Culture more than 80% staff of which has acquired working knowledge of Hindi:—

Anthropological Survey of India,
Central Regional Centre,
Seminary Hills,
Nagpur.

[No. F. 1-2/95-Hindi]

J. P. KARDAM, Dy. Director (O.L.)

नई दिल्ली, 1 दिसम्बर, 1998

का.आ. 2554:—केन्द्रीय सरकार, राष्ट्रीय संस्कृति निधि स्कीम, 1996 के पैराग्राफ 7 के अनुसरण में भारत सरकार के मानव संसाधन विकास मंत्रालय (संस्कृति विभाग) की प्रकाशित अधिसूचना सं. का.आ. 832(प्र) तारीख 23 नवम्बर, 1996 की अनुसूची "ख" द्वारा मानव संसाधन विकास मंत्रालय (संस्कृति विभाग) में निदेशक कुमारी हुमेरा अहमद को राष्ट्रीय संस्कृति निधि के परिषद् में सदस्य सचिव के रूप में नाम निर्दिष्ट करती है और उस प्रयोजन के लिए भारत सरकार के मानव संसाधन विकास मंत्रालय (संस्कृति विभाग) की अधिसूचना सं. का.आ. 229(अ), तारीख 21 मार्च, 1997 में निम्नलिखित संशोधन करती है अर्थात् :—

उक्त अधिसूचना में क्रम सं. 17 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"17. कुमारी हुमेरा अहमद, सदस्य-सचिव
निवेशक, (पदेन)"
संस्कृति विभाग

[सं. एफ 3-14/98-स्पेशल सैल]

वी. लखनपाल, निदेशक

पाद टिप्पण :—परिषद् के गठन को मूल अधिसूचना, अधिसूचना सं. का.आ. 229(अ) दिनांक 21 मार्च, 1997 द्वारा प्रकाशित की गई और तत्पश्चात् का.आ. 183, दिनांक 13 जनवरी, 1998 तथा का.आ. 1444 दिनांक 25 जुलाई, 1998 द्वारा संशोधित की गई।

New Delhi, the 1st December, 1998

S.O. 2554.—In pursuance of paragraph 7 of the National Culture Fund Scheme, 1996, published under Schedule 'B' of the notification of the Government of India in the Ministry of Human Resource Development (Department of Culture) number S.O. 832(E), dated the 28th November, 1996, the Central Government hereby nominates Ms. Humera Ahmed, Director in the Ministry of Human Resource Development, Department of Culture, on the Council of the National Culture Fund, as its Member Secretary and for the said purpose makes the following amendment in the notification of the Government of India, in the Ministry of Human Resource Development (Department of Culture) number S.O. 229(E), dated the 21st March, 1997, namely:—

For serial number 17 and the entries relating thereto, in the said notification, the following shall be substituted, namely:—

"17. Ms. Humera Ahmed, Member-Secretary
Director (Ex-Officio)"
Deptt. of Culture.

[No. F. 3-14/98-Spl. Cell

V. LAKHANPAL, Director

Footnote:—The Principal notification constituting the Council was published vide notification No. S.O. 229(E), dated the 21st March, 1997 and subsequently amended vide S.O. 183, dated the 13th January, 1998 and S.O. 1444 dated the 25th July, 1998.

नागर विमानन मंत्रालय

नई दिल्ली 24 नवम्बर, 1998

का.आ. 2455:—केन्द्रीय सरकार वायुयान नियम, 1937 के नियम 3क के उपनियम (1) के अनुसरण में भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 6 अक्टूबर, 1994 में भारत सरकार के तत्कालीन नागर विमानन और पर्यटन मंत्रालय की प्रकाशित अधिसूचना सं. का.आ. 727(अ), तारीख 4 अक्टूबर, 1994 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, प्रथम अनुसूची में, खंड 1 में, "उपायुक्त सुरक्षा (नागर विमानन)" के खंड 2 में संबंधित प्रविष्टियों के पश्चात् निम्नलिखित रखा जाएगा, अर्थात् :—

1	2
सहायक आयुक्त सुरक्षा (नागर विमानन)	2.82"

[सं. ए.वी. -11012/16/98-ए

वी. जे. मेनन, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 24th November, 1998

S.O. 2555.—In pursuance of sub-rule (1) of rule 3A of the Aircraft Rules, 1937, the Central Government hereby makes the following amendments in the Notification of the Government of India in the Ministry of Civil Aviation and Tourism, No. S. 727(E), dated 4th October, 1994, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 6th October, 1994 namely :—

In the said Notification, in the First Schedule, column 1, after the entry "Deputy Commissioner Security (Civil Aviation)" and the entries relating thereto in column 2, the following shall be inserted namely :—

1	2
"Assistant Commissioner of Security (Civil Aviation)."	2.82"

[No. AV. 11012/16/98-ए

V. J. MENON, Under Sec

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 नवम्बर, 1998

का.अ. 2556.-बेन्द्रीय सरकार को यह प्रतीत होता है कि खोज-निष्पत्ति में यह आवश्यक है कि राजस्थान राज्य में कांङला-जामनगर-लोनी पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अर्थाँरिटी आफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए,

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाय अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अहित परना आवश्यक है,

इतः, अब, बेन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आदेश की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितवन् कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिनों के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अर्थाँरिटी आफ इंडिया लिमिटेड बी-21/ए, शिवमार्ग, बनी पार्क, जयपुर (राजस्थान)-10 को कर सकेगा ।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नंबर	उ का.अ. के लिए अहित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
जयपुर	कुडु	गुधा बल्लभ जी	35	0.4198
			36	0.0079
			43	0.4752
			42	0.0950
			48	0.0634
			49	0.2614
			50	0.2851
			51	0.6494
			52	0.0713
			53	0.2851
			54	0.3168
			55	0.1505
			56	0.0950
			57	0.0079
			192	0.1267
			193	0.1980
			194	0.0079
			244	0.0079
			242	0.1267
			243	0.3802
			201	0.3168
			212	0.1426
			213	0.0079
			214	0.0079
			211	0.5069
			205	0.2534
			206	0.1505
			कुल/Total	5.4172

1	2	3	4	5
		रहुलाना	2565	0.4910
			2569	0.4593
			2575	0.8712
			2576	0.1425
			2574	0.0792
			2577	0.9028
			2389	0.0079
			2387	1.4811
			2386	0.3880
			2385	0.0237
			2391	0.0712
			2380	0.0158
			2210	0.1028
			2381	0.1108
			2209	0.2138
			2208	0.2613
			2193	0.1900
			2192	0.2930
			2187	0.0554
			2191	0.1029
			2190	0.0158
			2175	0.5069
			2176	0.0316
			2174	0.1742
			2173	0.0316
			2046	0.1900
			2044	0.6812
			2170	0.0040
			2056	0.0711
			2055	0.0040
			2057	0.1108
			2058	0.2772
			2078	0.0158
			2069	0.4277
			2070	0.0792
			2066	0.1742
			2065	0.0040
			2061	0.1504
			2063	0.0316
			2062	0.0950
			1771	0.0158
			1770	0.2613
			1775	0.1188
			1776	0.0871
			1778	0.0554
			1773	0.0554
			1782	0.1188
			1784	0.0158
			1781	0.0632
			1786	0.2692
			1787	0.0237
			1788	0.0158
			1805	0.0632
			1806	0.0158

1	2	3	4	5
		रसहाना (जारी)	1798	0.1029
			1799	0.1346
			1800	0.0020
			1803	0.1425
			1804	0.0316
			1802	0.0554
			1815	0.0950
			1816	0.2296
			1908	0.2534
			1907	0.0711
			1821	0.1980
			1825	0.1900
			1899	0.0158
			1898	0.2138
			1897	0.0316
			1896	0.0475
			1834	0.1425
			1847	0.1742
			1848	0.1504
			1849	0.0792
			1846	0.0079
			1850	0.2059
			1851	0.1504
			1446	0.0950
			1444	0.1425
			1852	0.0020
			1855	0.3959
			1297	0.0079
			1189	0.0040
			1301	0.1267
			1303/2	0.0079
			1302	0.1267
			1307	0.0711
			1308	0.0395
			1308/1	0.1663
			1306	0.0020
			1310	0.0475
			1287	0.0950
			1286	0.1980
			1281	0.0711
			1280	0.0950
			1273	0.0079
			1274	0.2059
			1275	0.2930
			1072	0.1108
			1073	0.0475
			1081	0.2376
			1074	0.0040
			1078	0.2375
			1079	0.0632
			1080	0.0040
			1084	0.0632
			1085	0.8157
			1062	0.0316
			1098	0.1029
			1091	0.2455
			Total	17.4091

1	2	3	4	5
			130	0.2455
		खटवारा	130/1215	0.0871
			128	0.0711
			129	0.3564
			108	0.3247
			108/1208	0.2772
			122	0.0158
			114	0.1425
			119	0.1900
			118	0.1108
			119/1220	0.0158
			139	0.0237
			170	0.0792
			169	0.1346
			207	0.0871
			171	0.2059
			171/1221	0.0554
			205/1353	0.0079
			205/1354	0.1267
			174	0.1821
			203	0.0871
			201	0.1504
			202	0.0158
			204	0.1346
			197	0.1267
			462	0.2613
			460	0.3564
			459	0.0020
			458	0.1108
			457	0.1029
			456	0.3009
			446	0.1980
			453/1263	0.1029
			447	0.1425
			448	0.0792
			449	0.0237
			450	0.0237
			440	0.0554
			411	0.1821
			413	0.1900
			415	0.1267
			400	0.0871
			402	0.0711
			401	0.0711
			399	0.1346
			398/1	0.0079
			699	0.0632
			700	0.0950
			701	0.0079
			703	0.1029
			704	0.0158
			705	0.1267
			707	0.0316
			709	0.1988
			769	0.3880
			780	0.0792
			770	0.3800

1	2	3	4	5
	बटवारा (आरी)	764		0.0079
		767		0.2376
		765		0.1564
		766		0.0950
		758		0.1742
		757		0.1346
		754		0.2530
		750		0.0395
		802		0.0237
		804		0.5227
		824		0.0395
		825		0.5860
		कुल		9.6456
	बल्लभानपरा	124/1		0.1900
		कुल		0.1900
	हरीबोली	1624		0.3009
		1627		0.4435
		1636		0.4356
		1643		0.4831
		1644/2360		0.0040
		1644/2		0.3168
		1644/1		0.0950
		1657/4		0.0395
		1657/3		0.3722
		1657/2		0.0475
		1657/1		0.2613
		1658		0.1980
		1659		0.0316
		1668		0.0158
		1669		0.1980
		1667		0.0158
		1704		0.2534
		1703		0.1980
		1702		0.0711
		1696		0.0475
		1719		0.0554
		1714		0.1346
		1705		0.0040
		1713		0.0792
		1712		0.0158
		1711		0.0632
		1048		0.0792
		1047		0.0020
		1049		0.1584
		1052		0.0792
		1051		0.0316
		1044		0.1188
		1043		0.0316
		1042		0.0316
		1034		0.0237
		1037		0.1188

1	2	3	4	5
		हरीसोली (जारी)	1036	0.0475
			1038	0.0079
			1018	0.0316
			1001	0.0316
			1003	0.0871
			1004	0.0316
			1005	0.0792
			997	0.0711
			1006	0.1821
			996	0.1188
			994	0.0237
			993	0.0158
			991	0.2534
			997	0.0316
			998	0.0237
			933	0.0871
			937	0.1584
			935	0.0158
			932	0.0158
			945	0.1029
			949	0.0792
			948	0.0237
			950	0.0158
			947	0.0871
			959	0.0711
			955	0.0554
			956	0.1584
			957	0.0237
			522/2	0.1029
			522/1	0.0158
			522/3	0.0395
			520	0.1900
			521	0.0079
			519	0.0158
			526	0.0475
			527	0.0158
			528	0.0475
			533	0.0475
			534	0.1188
			535	0.0316
			540	0.0079
			537	0.1188
			538	0.2296
			543	0.0316
			371	0.0040
			552	0.1584
			544	0.0040
			553	0.0711
			367	0.0316
			368	0.1584
			359/5	0.3564
			359/4	0.3643
			359/2	0.0040
			359/1	0.1346
			358	0.0237
			357	0.1029
			कुल	9.2924

1	2	3	4	5
	गंगतीकाखान	953		0.0237
		957		0.1663
		958		0.0079
		959		0.1267
		960		0.1108
		961		0.0237
		962		0.0316
		963		0.1900
		964		0.0040
		1023		0.2376
		1022		0.0711
		1026		0.2455
		1027		0.0079
		1031		0.2376
		1034		0.2930
		1035		0.2455
		1036		0.3406
		1050		0.3800
		1075/1155		0.0316
		1075		0.1663
		1074		0.2455
		1070		0.1504
		1068		0.1900
		1067		0.1584
		1066		0.1267
		1057		0.2138
		1062		0.1108
		1063		0.0475
		1061		0.0632
		1083		0.0554
		1088		0.0475
		1111		0.3009
		1115		0.0020
		1113		0.0237
		1112		0.1663
		1103		0.3009
		1101		0.0475
		1102		0.2296
				-
		कुल		5.4215
	महलखान	1884		0.1584
		1670		0.1029
		1668		0.2930
		1667		0.1267
		1673/1968		0.1900
		1674		0.1980
		1658		0.0792
		1675		0.0792
		1656		0.2138
		1647		0.0237
		1642		0.3009

1	2	3	4	5
			1646	0.1425
			1643	0.1504
			1657	0.0079
		कुल		2.0666
		कुल योग		48.4424

[सं. एल-14014/9/98-बीपी]

आई० एस० एन० प्रसाद, उप सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 27th November, 1998

S.O. 2556.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Rajasthan State, Pipeline should be laid by the Gas Authority of India Limited;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Kandla-Jamnagar-Loni Pipeline Project, B-21/A, First Floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in Hectare
1	2	3	4	5
Jaipur	Dudu	Gudha Ballabh Ji	35	0.4198
			36	0.0079
			43	0.4752
			42	0.0950
			48	0.0634
			49	0.2614
			50	0.2851
			51	0.6494
			52	0.0713
			53	0.2851
			54	0.3168
			55	0.1505
			56	0.0950
			57	0.0079
			192	0.1267
			193	0.1980
			194	0.0079
			244	0.0079

1	2	3	4	5
Guha Ballabh		242		0.1267
Ji contd		243		0.3802
		201		0.3168
		212		0.1426
		213		0.0079
		214		0.0079
		211		0.5069
		205		0.2534
		206		0.1505
			Total	5.4172
	Rahlana	2565		0.4910
		2569		0.4593
		2575		0.8712
		2576		0.1425
		2574		0.0792
		2577		0.9028
		2389		0.0079
		2387		1.4811
		2386		0.3880
		2385		0.0237
		2391		0.0712
		2380		0.0158
		2210		0.1028
		2381		0.1108
		2209		0.2138
		2208		0.2613
		2193		0.1900
		2192		0.2930
		2187		0.0554
		2191		0.1029
		2190		0.0158
		2175		0.5069
		2176		0.0316
		2174		0.1742
		2173		0.0316
		2046		0.1900
		2044		0.6812
		2170		0.0040
		2056		0.0711
		2055		0.0040
		2057		0.1108
		2058		0.2772
		2078		0.0158
		2069		0.4277
		2070		0.0792
		2066		0.1742
		2065		0.0040
		2061		0.1504
		2063		0.0316
		2062		0.0950
		1771		0.0158
		1770		0.2613
		1775		0.1188
		1776		0.0871

1	2	3	4	5
			1778	0.0554
			1773	0.0554
			1782	0.1188
			1784	0.0158
			1781	0.0632
			1786	0.2692
			1787	0.0237
			1788	0.0158
			1805	0.0632
			1806	0.0158
			1798	0.1029
			1799	0.1346
			1800	0.0020
			1803	0.1425
			1804	0.0316
			1802	0.0554
			1815	0.0950
			1816	0.2296
			1908	0.2534
			1907	0.0711
			1821	0.1980
			1825	0.1900
			1899	0.0158
			1898	0.2138
			1897	0.0316
			1896	0.0475
			1834	0.1425
			1847	0.1742
			1848	0.1504
			1849	0.0792
			1846	0.0079
			1850	0.2059
			1851	0.1504
			1446	0.0950
			1444	0.1425
			1852	0.0020
			1855	0.3959
			1297	0.0079
			1189	0.0040
			1301	0.1267
			1303/2	0.0079
			1302	0.1267
			1307	0.0711
			1308	0.0395
			1308/1	0.1663
			1306	0.0020
			1310	0.0475
			1287	0.0950
			1286	0.1980
			1281	0.0711
			1280	0.0950
			1273	0.0079
			1274	0.2059
			1275	0.2930

1	2	3	4	5
			1072	0.1108
			1073	0.0475
			1081	0.2376
			1074	0.0040
			1078	0.2376
			1079	0.0632
			1080	0.0040
			1084	0.0632
			1085	0.8157
			1062	0.0316
			1098	0.1029
			1091	0.2455
			Total	17.4091
	Khatwara	130		0.2455
		130/1215		0.0871
		128		0.0711
		129		0.3564
		108		0.3247
		108/1208		0.2772
		122		0.0158
		114		0.1425
		119		0.1900
		118		0.1108
		119/1220		0.0158
		139		0.0237
		170		0.0792
		169		0.1346
		207		0.0871
		171		0.2059
		171/1221		0.0554
		205/1353		0.0079
		205/1354		0.1267
		174		0.1821
		203		0.0871
		201		0.1504
		202		0.0158
		204		0.1346
		197		0.1267
		462		0.2613
		460		0.3564
		459		0.0020
		458		0.1108
		457		0.1029
		456		0.3009
		446		0.1980
		453/1263		0.1029
		447		0.1425
		448		0.0792
		449		0.0237
		450		0.0237
		440		0.0554
		411		0.1821
		413		0.1900
		415		0.1267
		400		0.0871

1	2	3	4	5
			402	0.0711
			401	0.0711
			399	0.1346
			398/1	0.0079
			699	0.0632
			700	0.0950
			701	0.0079
			703	0.1029
			704	0.0158
			705	0.1267
			707	0.0316
			709	0.1988
			769	0.3880
			780	0.0792
			770	0.3800
			664	0.0079
			767	0.2376
			765	0.1564
			766	0.0950
			758	0.1742
			757	0.1346
			754	0.2530
			750	0.0395
			802	0.0237
			804	0.5227
			824	0.0395
			825	0.5860
			Total	9.6456
	Kalyanpura		124/1	0.190
			Total	0.1900
	Harisoli		1624	0.3009
			1627	0.4435
			1636	0.4356
			1643	0.4831
			1644/2360	0.0040
			1644/2	0.3168
			1644/1	0.0950
			1657/4	0.0395
			1657/3	0.3722
			1657/2	0.0475
			1657/1	0.2613
			1658	0.1980
			1659	0.0316
			1668	0.0158
			1669	0.1980
			1667	0.0158
			1670	0.0237
			1704	0.2534
			1703	0.1980
			1702	0.0711
			1696	0.0475
			1719	0.0554
			1714	0.1346
			1705	0.0040

1	2	3	4	5
			1713	0.0792
			1712	0.0158
			1711	0.0632
			1048	0.0792
			1047	0.0020
			1049	0.1584
			1052	0.0792
			1051	0.0316
			1044	0.1188
			1043	0.0316
			1042	0.0316
			1034	0.0237
			1037	0.1188
			1036	0.0475
			1038	0.0079
			1018	0.0316
			1001	0.0316
			1003	0.0871
			1004	0.0316
			1005	0.0792
			997	0.0711
			1006	0.1821
			996	0.1188
			994	0.0237
			993	0.0158
			991	0.2534
			997	0.0316
			998	0.0237
			933	0.0871
			937	0.1584
			935	0.0158
			932	0.0158
			945	0.1029
			949	0.0792
			948	0.0237
			950	0.0158
			947	0.0871
			959	0.0711
			955	0.0554
			956	0.1584
			957	0.0237
			522/2	0.1029
			522/1	0.0158
			522/3	0.0395
			520	0.1900
			521	0.0079
			519	0.0158
			526	0.0475
			527	0.0158
			528	0.0475
			533	0.0475
			534	0.1188
			535	0.0316
			540	0.0079
			537	0.1188

1	2	3	4	5
			538	0.2296
			543	0.0316
			371	0.0040
			552	0.1584
			544	0.0040
			553	0.0711
			367	0.0316
			368	0.1584
			359/5	0.3564
			359/4	0.3643
			359/2	0.0040
			359/1	0.1346
			358	0.0237
			357	0.1029
			Total	9.2924
	Gangati Kalan		953	0.0237
			957	0.1663
			958	0.079
			959	0.1267
			960	0.1108
			961	0.0237
			962	0.0316
			963	0.1900
			964	0.0040
			1023	0.2376
			1022	0.0711
			1026	0.2455
			1027	0.0079
			1031	0.2376
			1034	0.2930
			1035	0.2455
			1036	0.3406
			1050	0.3800
			1075/1155	0.0316
			1075	0.1663
			1074	0.2455
			1070	0.1504
			1068	0.1900
			1067	0.1584
			1066	0.1267
			1057	0.2138
			1062	0.1108
			1063	0.0475
			1061	0.0632
			1083	0.0554
			1088	0.0475
			1111	0.3009
			1115	0.0020
			1113	0.0237
			1112	0.1663
			1103	0.3009
			1101	0.0475
			1102	0.2296
			Total	5.4215

1	2	3	4	5
	Mahlan	1884		0.1584
		1670		0.1029
		1668		0.2930
		1667		0.1267
		1673/1968		0.1900
		1674		0.1980
		1658		0.0792
		1675		0.0792
		1656		0.2138
		1647		0.0237
		1642		0.3009
		1646		0.1425
		1643		0.1504
		1657		0.0079
			Total	2.0666
			G. Total	48.4424

[No. L-14014/9/98-G.P.]
I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 27 नवम्बर, 1998

का.आ. 2557.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में कांडला-जामनगर-लोदी पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अर्थाँरिटी आफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जित करना आवश्यक है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राष्ट्रपति में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी, गैस अर्थाँरिटी आफ इंडिया लिमिटेड, बी-21/ए, शिवमार्ग, वजीरा पार्क, जयपुर (राजस्थान)-16 को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नम्बर	उ.का.अ. के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
जयपुर	फागी	मेरपुर	185	0.1108
			191	0.0475
			189	0.0316
			186	0.0871
			187	0.0395

1	2	3	4	5
			204	0.2772
			233	0.3326
			234	0.0079
			235	0.0079
			236	0.0316
			239	0.7761
			164	0.0040
			249	0.0079
			248	0.0040
			250	0.1742
			90	0.2059
			92	0.0237
			89	0.1504
			81	0.0871
			76	0.0792
			77	0.0554
			75	0.1267
			73	0.0040
			59	0.0237
			57	0.1900
			58	0.0632
			56	0.0632
			42	0.0395
			41	0.0079
			30	0.0020
			36	0.0079
			32	0.0020
			33	0.2376
			29	0.2534
			28	0.0475
			कुल	1.6102
	सरवादा		21	0.1346
			22	0.1663
			20	0.2138
			24	0.0020
			25	0.0040
			27	0.0395
			18	0.0079
			19	0.2138
			17	0.1108
			9	0.1029
			10	0.1188
			11	0.1029
			7	0.0237
			32	0.0158
			35	0.0237
			42	0.0396
			36	0.1821
			38	0.0395
			37	0.0237
			कुल	1.5654

1	2	3	4	5
		श्री गोविन्दपुरा	1	0.6969
			2	0.0792
			4	0.0237
			11	0.0475
			12	0.0395
			13	0.1108
			10	0.0395
			6	0.5385
			19	0.0632
			18	0.0554
			73	0.0237
			72	0.0475
			20	0.0158
			27	0.1029
			34	0.0237
			32	0.1425
			29	0.0632
			30	0.1029
			163	0.5147
			171/1	9.1584
			171/3	0.3801
			कुल	3.2696
		कुसुमी	333	0.3801
			334	0.0950
			335	0.0040
			कुल	0.4791
		नन्दलालपुरा	286	0.1663
			285	0.1425
			287	0.0158
			284	0.1108
			282	0.2376
			281	0.0632
			288	0.0237
			318	0.1900
			319	0.0792
			320	0.0237
			314	0.0395
			313	0.1029
			321	0.0040
			323	0.0792
			312	0.0040
			343	0.0237
			352	0.0316
			353	0.0079
			354	0.1900
			351	0.2772
			356	0.0079
			348	0.0079
			357	0.0237
			योग	1.8523
			कुल योग	10.7766

[सं. एल-14014/9/98-जी.पी.]

आई.एस.एन. प्रसाद, उप सचिव

New Delhi, the 27th November, 1998

S.O. 2557.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Rajasthan State, Pipeline should be laid by the Gas Authority of India Limited;

AND WHEREAS it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Kandla-Jamnagar-Loni Pipeline Project, B-21/A, First Floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in hectare
1	2	3	4	5
Jaipur	Phagi	Sherpur	185	0.1108
			191	0.0475
			189	0.0316
			186	0.0871
			187	0.0395
			204	0.2772
			233	0.3326
			234	0.0079
			235	0.0079
			236	0.0316
			239	0.7761
			164	0.0040
			249	0.0079
			248	0.0040
			250	0.1742
			90	0.2059
			92	0.0237
			89	0.1504
			81	0.0871
			76	0.0792
			77	0.0554
			75	0.1267
			73	0.0040
			59	0.0237
			57	0.1900
			58	0.0632
			56	0.0632
			42	0.0395
			41	0.0079
			30	0.0020
			36	0.0079
			32	0.0020
			33	0.2376
			29	0.2534
			28	0.0475
Total			1.6102	

1

2

3

4

5

Sardada

21	0.1346
22	0.1663
20	0.2138
24	0.0020
25	0.0040
27	0.0395
18	0.0079
19	0.2138
17	0.1108
9	0.1029
10	0.1188
11	0.1029
7	0.0237
32	0.0158
35	0.0237
42	0.0396
36	0.1821
38	0.0395
37	0.0237

Total

1.5654

Shri Govindpura

1	0.6969
2	0.0792
4	0.0237
11	0.0475
12	0.0395
13	0.1108
10	0.0395
6	0.5385
19	0.0632
18	0.0554
73	0.0237
72	0.0475
20	0.0158
27	0.1029
34	0.0237
32	0.1425
29	0.0632
30	0.1029
163	0.5147
171/1	0.1584
171/3	0.3801

Total

3.2696

Bukni

333	0.3801
334	0.0950
335	0.0040

Total

0.4791

1	2	3	4	5
	Nandlalpura	286		0.1663
		285		0.1425
		287		0.0158
		284		0.1108
		282		0.2376
		281		0.0632
		288		0.0237
		318		0.1900
		319		0.0792
		320		0.0237
		314		0.0395
		313		0.1029
		321		0.0040
		323		0.0792
		312		0.0040
		343		0.0237
		352		0.0316
		353		0.0079
		354		0.1900
		351		0.2772
		356		0.0079
		348		0.0079
		357		0.0237
		Total		1.8523
		G. Total		10.7766

[No. L-14014/9/98-G.P.]

I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 27 नवम्बर, 1998

का.भा. 2558.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में कांठला-जामनगर-लोनी पाईपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाईपलाइन बिछाई जानी चाहिये,

और कि ऐसी पाईपलाइन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के अधिकार का अर्जित करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जमता को उपलब्ध कराए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाईपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, की-21/ए, शिवमार्ग, बनी पार्क, जयपुर (राजस्थान)-16 को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नंबर	उ.का.प्र. के लिये अर्जित की जाने वाली भूमि (हेक्टेयर में)	
1	2	3	4	5	
अलवर	बनसुर	जगदेतकलां	178	0.8653	
			177/377	0.2040	
			13	0.0158	
			29	0.0396	
			30	0.0010	
			28	0.0158	
			27	0.0285	
			22	0.1409	
			23	0.0010	
			15	0.0025	
			16	0.0150	
			21	0.0060	
			19	0.0792	
			17	0.0030	
			18	0.0158	
			44	0.4416	
			45	0.0316	
			46	0.1763	
			तनलपुर	कुल	2.0829
				262	0.6336
		264		0.6969	
		263		0.2080	
		204		0.0010	
		265		0.0545	
		203		0.0792	
		202		0.2080	
		200		0.2317	
		195		0.0080	
		196		0.1684	
		199		0.0475	
		189		0.0633	
		188		0.0396	
		187		0.1525	
		184		0.2872	
		182		0.0475	
		181/2		0.1242	
		181/3		0.1900	
		179		0.0080	
		180	0.0475		
		170	0.3297		
			कुल	3.6263	

1	2	3	4	5
बबली का बास		38		0.2257
		39		0.0158
		40		0.1822
		31		0.1307
		30		0.0514
		27		0.1019
		28		0.0010
		26		0.0158
		25		0.0793
		24		0.0950
		15		0.2415
		17		0.1703
		9		0.2595
			कुल	1.3701
माजराबात		195		0.3743
		312		0.0921
		313		0.1526
		309		0.0025
		317		0.0975
		318		0.0975
		319		0.0025
		324		0.0158
		326		0.1871
		327		0.1238
		289		0.0020
		329		0.0051
		330		0.0792
		345		0.1238
		344		0.0158
		341		0.0237
		342		0.0921
		343		0.1238
		353		0.0277
		400		0.1080
		398		0.2476
		399		0.0634
		396		0.1080
		386		0.2951
		385		0.3902
			कुल	2.8512
बास शेखाबात		158		0.3328
		159		0.0158
		147		0.2178
		146		0.0158
		145		0.1784
		219		0.0158
		249		0.0158
		252		0.4712
		255		0.2060
		259		0.2060

1	2	3	4	5
			260	0.0025
			303	0.0079
			302	0.1361
			301	0.1465
			300	0.0514
			297	0.0910
			296	0.0910
			293	0.0554
			292	0.0396
			82	0.0237
			83	0.1584
			84	0.0871
			73	0.1505
			72	0.2257
			72/1	0.1148
			71	0.6337
			68	0.2693
			कुल	3.9600
	हरसोरा		393	0.1029
			394	0.0238
			395	0.0079
			392	0.0040
			391	0.1426
			397	0.0158
			398	0.1019
			399	0.0010
			401	0.1416
			402	0.0010
			403	0.0554
			423	0.0435
			422	0.0435
			421	0.0475
			420	0.0020
			419	0.0435
			418	0.0435
			416	0.0158
			415	0.0633
			414	0.0010
			413	0.0010
			432	0.0613
			433	0.0079
			439	0.0079
			438	0.0025
			437	0.0846
			436	0.0713
			467	0.0158
			466	0.0396
			465	0.1326
			464	0.0020
			458	0.0475
			450	0.2059
			451	0.0010

1	2	3	4	5
			750/3	0.1069
			750	0.0396
			904	0.1109
			905	0.1029
			906	0.0396
			962	0.0158
			910	0.1108
			911	0.0396
			912	0.1029
			913	0.1227
			917	0.0237
			914	0.1416
			915	0.0010
			कुल	2.5344
	नरौल	139		0.1188
		138		0.1029
		140		0.0238
		145		0.0396
		137		0.0039
		146		0.1268
		134		0.2138
		135		0.0079
		136		0.0158
		133		0.0079
		132		0.1506
		127		0.1188
		122		0.1188
		121		0.0950
		114		0.0712
		83		0.0238
		75		0.2930
		73		0.0158
		70		0.2920
		68		0.0010
		69		0.1783
		48		0.0237
		46		0.1426
		45		0.1426
		24		0.2376
			कुल	2.5660
	मथाबास	35		0.0042
		33		0.3680
		22		0.0831
		25		0.0832
		23		0.0752
		24		0.0753
		16		0.1940
		14/2		0.2416
		1/4		0.0792

1	2	3	4	5
			1/3	0.0050
			1/2	0.1287
			1/1	0.0346
			3	0.0513
			4	0.2239
			कुल	1.6475
	धुनडाला	256		0.2600
		254		0.2247
		253		0.0237
		255		0.0080
		248		0.2420
		247		0.0158
		249		0.0158
		216		0.1150
		215		0.0236
		214		0.1822
		189		0.1490
		190		0.0015
		187		0.1109
		185		0.1030
		179		0.1900
		154		0.1959
		153		0.0792
		137		0.0396
		136		0.1822
			कुल	2.1621
	फतेहपुर	714		0.1030
		712		0.0119
		715		0.0040
		711		0.1608
		699		0.0025
		701		0.1423
		704		0.0316
		703		0.0910
		702		0.0158
		705		0.1069
		706		0.0475
		658		0.0317
		642		0.2476
		644		0.0079
		650		0.1782
		649		0.1663
		646		0.0971
		638		0.0250
		636		0.1234
		645		0.0208
		635		0.1346
		446		0.0010
		447		0.1267
		450		0.3188

1	2	3	4	5
	फतेहपुर—जारी	452		0.0604
		476		0.0307
		475		0.1821
		451		0.0010
		453		0.0079
		461		0.0316
		460		0.0712
		459		0.0634
		457		0.0792
		456		0.0514
		455		0.0475
		471		0.0025
		290		0.0871
		289		0.0990
		288		0.0198
		286		0.0655
			कुल	3.0967
	खिवा हेरी	591		0.2631
		592		0.4989
		540		0.2851
		539		0.0158
		544		0.0792
		543		0.0515
		542		0.0356
		541		0.1029
		498		0.1504
		510		1.0774
			कुल	2.5581
	धीरपुर जगबीर	493		0.3287
		495		0.2494
		495/1		0.1465
		495/3		0.2574
			कुल	0.9820
	मिलकपुरा	107		0.2535
		106/165		0.0158
		106		0.1706
		105		0.1742
		97		0.3088
		92		0.2945
		93		0.0025
		20		0.1980
		19		0.0396
		21		0.2138
		23		0.0020
		24		0.0613
		25		0.1504
		26		0.1346
			कुल	2.0196
			कुल योग	31.4567

New Delhi, the 27th November, 1998

S.O.2558.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Rajasthan State, Pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Kandla-Jamnagar-Loni Pipeline Project, B-21/A, First Floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in hectare
1	2	3	4	5
Alwar	Bansur	Jagdetkalan	187	0.8653
			177/377	0.2040
			13	0.0158
			29	0.0396
			30	0.0010
			28	0.0158
			27	0.0285
			22	0.1409
			23	0.0010
			15	0.0025
			16	0.0150
			21	0.0060
			19	0.0792
			17	0.0030
			18	0.0158
			44	0.4416
			45	0.0316
			46	0.1763
			Total	2.0829
		Mawalpura	262	0.6336
			264	0.6969
			263	0.2080
			204	0.0010
			265	0.0545
			203	0.0792
			202	0.2080
			200	0.2317
			195	0.0080
			196	0.1684
			199	0.0475
			189	0.0633
			188	0.0396
			187	0.1525
			184	0.2872

1	2	3	4	5
			182	0.0475
			181/2	0.1242
			181/3	0.1900
			179	0.0080
			180	0.0475
			170	0.3297
			Total	3.6263
	Bawli ka Bas	38		0.2257
		39		0.0158
		40		0.1822
		31		0.1307
		30		0.0514
		27		0.1019
		28		0.0010
		26		0.0158
		25		0.0793
		24		0.0950
		15		0.2415
		17		0.1703
		9		0.0595
			Total	1.3701
	Majra Rawat	195		0.3743
		312		0.0921
		313		0.1526
		309		0.0025
		317		0.0975
		318		0.0975
		319		0.0025
		324		0.0158
		326		0.1871
		327		0.1238
		289		0.0020
		329		0.0051
		330		0.0792
		345		0.1238
		344		0.0158
		341		0.0237
		342		0.0921
		343		0.1238
		353		0.0277
		400		0.1080
		398		0.2476
		399		0.0634
		396		0.1080
		386		0.2951
		385		0.3902
			Total	2.8512

1	2	3	4	5
	Bass Shekhawat	158		0.3328
		159		0.0158
		147		0.2178
		146		0.0158
		145		0.1784
		219		0.0158
		249		0.0158
		252		0.4712
		255		0.2060
		259		0.2060
		260		0.0025
		303		0.0079
		302		0.1361
		301		0.1465
		300		0.0514
		297		0.0910
		296		0.0910
		293		0.0554
		292		0.0396
		82		0.0237
		83		0.1584
		84		0.0871
		73		0.1505
		72		0.2257
		72/1		0.1148
		71		0.6337
		68		0.2693
			Total	3.9600
	Harsora	393		0.1029
		394		0.0238
		395		0.0079
		392		0.0040
		391		0.1426
		397		0.0158
		398		0.1019
		399		0.0010
		401		0.1416
		402		0.0010
		403		0.0554
		423		0.0435
		422		0.0435
		421		0.0475
		420		0.0020
		419		0.0435
		418		0.0435
		416		0.0158
		415		0.0633
		414		0.0010
		413		0.0010
		432		0.0613
		433		0.0079
		439		0.0079
		438		0.0025

1	2	3	4	5
		Harsora	437	0.0840
			436	0.0712
			467	0.0158
			466	0.0390
			465	0.1320
			464	0.0020
			458	0.047
			450	0.205
			451	0.0010
			750/3	0.1069
			750	0.0390
			904	0.1109
			905	0.1029
			906	0.0390
			962	0.0158
			910	0.1109
			911	0.0390
			912	0.1029
			913	0.1229
			917	0.0239
			914	0.141
			915	0.0010
			Total	2.534
		Naroal	139	0.1188
			138	0.1029
			140	0.0238
			145	0.0390
			137	0.0039
			146	0.1268
			134	0.2138
			135	0.0079
			136	0.0158
			133	0.0079
			132	0.1500
			127	0.1188
			122	0.1188
			121	0.0950
			114	0.0712
			83	0.0239
			75	0.2930
			73	0.0158
			70	0.2920
			68	0.0010
			69	0.178
			48	0.0239
			46	0.142
			45	0.142
			24	0.2370
			Total	2.5660

1	2	3	4	5
		Naya Bas	35	0.0042
			33	0.3610
			22	0.0831
			25	0.0832
			23	0.0752
			24	0.0753
			16	0.1940
			14/2	0.2416
			1/4	0.0792
			1/3	0.0050
			1/2	0.1287
			1/1	0.0346
			3	0.0513
			4	0.2239
			Total	1.6475
		Dhundala	256	0.2600
			254	0.2247
			253	0.0237
			255	0.0080
			248	0.2420
			247	0.0158
			249	0.0158
			216	0.1150
			215	0.0236
			214	0.1822
			189	0.1490
			190	0.0015
			187	0.1109
			185	0.1030
			179	0.1900
			154	0.1959
			153	0.0792
			137	0.0396
			136	0.1822
			Total	2.1621
		Fatchpur	714	0.1030
			712	0.0119
			715	0.0040
			711	0.1608
			699	0.0025
			701	0.1423
			704	0.0316
			703	0.0910
			702	0.0158
			705	0.1069
			706	0.0475
			658	0.0317
			642	0.2476
			644	0.0079
			650	0.1782
			649	0.1663
			646	0.0971

1	2	3	4	5
		Fatehpur	638	0.0250
			636	0.1234
			645	0.0208
			635	0.1346
			446	0.0010
			447	0.1267
			450	0.3188
			452	0.0604
			476	0.0307
			475	0.1821
			451	0.0010
			453	0.0079
			461	0.0316
			460	0.0712
			459	0.0634
			457	0.0792
			456	0.0514
			455	0.0475
			471	0.0025
			290	0.0871
			289	0.0990
			888	0.0198
			286	0.0655
			Total	3.0967
		Khiva Heri	591	0.2613
			592	0.4989
			540	0.2851
			539	0.0158
			544	0.0792
			543	0.0515
			542	0.0356
			541	0.1029
			498	0.1504
			510	1.0774
			Total	2.5581
		Dhirpur Jagir	493	0.3287
			495	0.2494
			495/1	0.1465
			495/3	0.2574
			Total	0.9820
		Milappura	107	0.2535
			106/165	0.0158
			106	0.1706
			105	0.1742
			97	0.3088
			92	0.2945
			93	0.0025
			20	0.1980

1	2	3	4	5
			19	0.0396
			21	0.2138
			23	0.0020
			24	0.0613
			25	0.1504
			26	0.1346
		Total		2.0196
		G. Total		31.4567

[No. L-14014/9/98-G.P.]

I. S. N. PRASAD Dy. Secy.

नई दिल्ली, 27 नवम्बर, 1998

का.आ. 2559—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में कांङला-जामनगर-सोनी पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये,

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जित करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, बी-21/ए, शिवमार्ग, बनी पार्क, जयपुर (राजस्थान)-16 को कर सकेगा ।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नम्बर	उ.का.अ. के लिये अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
पाली	बाली	सावलना	90	0.0020
			88	0.0280
			87	0.0700
			86	0.0450
			85	0.0460
			84	0.0490
			83	0.0280
			82	0.0020
			111	0.0140
			114	0.6800
			280	0.0240
			275	0.1920
			125	0.0280
			234	0.0140
			241	0.1220
			239	0.1920
			240	0.0020
			237	0.1100
			238	0.0800
			249	0.0010

1	2	3	4	5
		सादलना	250	0.0050
			251	0.0140
			252	0.0010
			253	0.0140
			232	0.0960
			216/313	0.1900
			216	0.1340
			217/314	0.1520
			221	0.1420
			197	0.0320
			196	0.1280
			195	0.0400
			183	0.2100
			184/303	0.1040
			177	0.0560
			161	0.2880
			162	0.3200
			153	0.3600
			152	0.0160
			145	0.3600
		कुल		4.3910
	बेरा	—		0.0040
		1542		0.1180
		1531		0.0020
		1538		0.0480
		1540		0.0060
		1537		0.1140
		1536		0.0880
		1558		0.0040
		1559		0.0400
		1560		0.0425
		1561		0.0520
		1585		0.0900
		1562		0.0140
		1563		0.0020
		1583		0.0040
		1584		0.1240
		1591		0.0040
		1597		0.0940
		1598		0.0880
		1596		0.0010
		1614		0.0650
		1613		0.0010
		1615		0.1260
		1616		0.0010
		1622		0.1200
		1671		0.0280
		1688		0.1000
		1683		0.0880
		1684		0.0880
		1681		0.1440
		1680		0.0240
		1722		0.0160
		1723		0.0720

1	2	3	4	5
		पैरा	1743	0.0030
			1742	0.0020
			1734	0.1100
			1735	0.1100
			1736	0.1440
			1737	0.1700
			1824	0.0700
			1861	0.0240
			1860	0.2000
			1865/4992	0.0030
			1859	0.1280
			1866	0.0020
			1926	0.1680
			1897	0.0010
			1900	0.2800
			1899	0.2020
			1911	0.1280
			1994	0.2200
			1912	0.0600
			1913	0.1200
			1884	0.0010
			1150	0.0300
			1139	0.0900
			1138	0.0540
			1137	0.0440
			1136	0.0400
			1135	0.1120
			1134	0.0010
			1126	0.0500
			1127	0.0030
			1123	0.0360
			1125	0.0220
			1124	0.0360
			1122	0.0020
			1121	0.0880
			1109	0.0300
			1048	0.3400
			1054	0.0650
			1044	0.0650
			1042	0.0010
			1057	0.5050
			1056	0.0820
			1055	0.0450
			1058	0.0180
			1041	0.1600
			1039	0.0200
			1040	0.0840
			1026	0.2400
			1025	0.2300
			1012	0.1980
			1008	0.0600
			1005	0.0600
			1004	0.1440
			1103	0.1520

1	2	3	4	5
		बेरा	3654	0.1600
			3657	0.1860
			3658	0.0560
			3659	0.5040
			3664	0.3600
			3665	0.3200
			3678	1.2480
			3740	0.2400
			3741	0.8960
			3752	0.4160
			3753	0.0880
			3754	0.3000
			3755/4964	0.8320
			3773	0.5400
			3790/4748	0.2400
			3790/4963	0.3040
			3789	0.0520
			3782	0.2000
			कुल	13.5575
		बामुण्डेरी	2875	0.0820
			2873	0.0010
			2872	0.0480
			2871	0.0410
			2869	0.0120
			2870	0.0240
			2868	0.0740
			2867	0.0110
			2866	0.0420
			2865	0.0380
			2864	0.0680
			2851	0.3100
			2852	0.0850
			2850	0.0500
			2849	0.0010
			2846	0.2240
			2847	0.0180
			2709	0.1340
			2708	0.1150
			2706	0.0050
			2707	0.3740
			2703	0.1120
			2704	0.0640
			2702	0.1600
			2701	0.0650
			कुल	2.1580
		कुमथिया	234	0.0080
			235	0.2000
			236	0.1120
			232/607	0.0160
			238	0.2240
			239	0.0160
			291	0.7200
			251	0.0400

1	2	3	4	5
		कुसथिया	247	0.4400
			390	0.0640
			348	0.0740
			351	0.0060
			347	0.0740
			345	0.0280
			344	0.0280
			341	0.0720
			340	0.0150
			336	0.1000
			335	0.0140
			303	0.1120
			305	0.1200
			304	0.0200
			307	0.0400
			307/610	0.0920
			308	0.0800
			308/611	0.0080
			309	0.0400
			310	0.0100
			323	0.0500
			322	0.0340
			321	0.2000
			320	0.0640
			कुल	3.1210
	बीजापुर		159	0.3000
			156	0.3400
			255	0.2240
			257	0.1000
			253	0.0010
			258	0.2310
			155	0.0380
			145	0.1220
			143	0.0020
			144	0.0200
			142	0.0880
			260	0.0500
			261	0.0300
			330	0.2800
			331	0.2000
			371	0.0980
			372	0.4160
			370	0.0300
			373	0.2100
			379	0.1900
			377	0.3280
			568	0.0480
			321	0.0020
			322	0.1680
			623	0.0200
			695	0.3600
			696	0.1440
			697	0.1280

1	2	3	4	5
बीजापुर		698	0.1280	
		702	0.1240	
		703	0.2160	
		705	0.0720	
		692	0.0260	
		691	0.0540	
		690	0.0560	
		689	0.0590	
		688	0.0500	
		687	0.0590	
		686	0.1150	
		685	0.0560	
		684	0.0500	
		683	0.0580	
		682	0.0560	
		681	0.0700	
		680	0.0700	
		679	0.1120	
		678	0.0440	
		677	0.0450	
		676	0.0760	
		675	0.0720	
		674	0.0640	
		673	0.0480	
		672	0.1140	
		671	0.0340	
		कुल	6.0960	
पाथरला		4	0.7000	
		8	0.0160	
		558	0.0040	
		554	0.2960	
		553	0.2800	
		550	0.0720	
		545	0.1920	
		544	0.0160	
		546	0.1120	
		543	0.0140	
		542	0.0020	
		540	0.2000	
		541	0.0040	
		538	0.0740	
		539	0.1200	
		536	0.0880	
		528	0.0550	
		529	0.0640	
		530	0.0400	
		367	0.2400	
		362	0.0160	
		40	0.0400	
		18	0.0020	
		19	0.0960	
		20	0.1600	
		25	0.0250	

1	2	3	4	5
वाहरला		34	0.1020	
		26	0.1280	
		33	0.0040	
		29	0.1400	
		कूल	3.3020	
सेवाडी		218	0.1380	
		217	0.1300	
		216	0.1340	
		226	0.0040	
		310	0.0080	
		311	0.1280	
		314	0.0010	
		324	0.2420	
		320	0.1370	
		321	0.1160	
		176	0.1700	
		173	0.0180	
		170	0.0050	
		169	0.0320	
		171	0.1450	
		78	0.2170	
		80	0.0260	
		83	0.2020	
		84	0.2020	
		457	0.0560	
		598	0.2000	
		550	0.0010	
		549	0.0650	
		499	0.0320	
		500	0.0020	
		546	0.1560	
		545	0.2740	
		507	0.1340	
		509	0.0680	
		513	0.0740	
		514	0.0530	
		515	0.0820	
		516	0.0820	
		517	0.0890	
		518	0.0690	
		596	0.1380	
		597	0.2740	
		598	0.1130	
		642	0.0160	
		643	0.1850	
		641	0.0240	
		958	0.0760	
		957	0.0880	
		956	0.0980	
		955	0.0880	
		954	0.0940	
		952	0.1220	
		951	0.1060	

1	2	3	4	5
	सेवाङ्क	950	0.1260	
		881	0.4900	
		878	0.2500	
		875	0.1540	
		874	0.0240	
		870	0.1580	
		872	0.0440	
		871	0.1300	
		कुल	6.2900	
	आरथा	536	0.6160	
		535	0.0560	
		380	0.4240	
		534	0.0040	
		509	0.2560	
		510	0.0900	
		511	0.0450	
		505	0.0150	
		504	0.2600	
		503	0.0220	
		427	0.2560	
		491	0.1940	
		488	0.1280	
		487	0.1280	
		486	0.1160	
		479	0.0400	
		480	0.1440	
		481	0.0600	
		482	0.1000	
		643	0.0240	
		653	0.2660	
		654	0.0080	
		655	0.0180	
		656	0.2800	
		1094	0.0020	
		1095	0.2620	
		1093	0.0180	
		813	0.0080	
		814	0.0960	
		816	0.0040	
		815	0.1680	
		824	0.0240	
		1076	0.0240	
		1075	0.0880	
		1074	0.0820	
		1073	0.1040	
		1072	0.1020	
		825	0.0160	
		830	0.0140	
		831	0.0020	
		832	0.0560	
		833	0.1450	
		834	0.0020	

I	2	3	4	5
		बारमा	835	0.2540
			839	0.0010
			785	0.0160
			733	0.0460
			732	0.0040
			734	0.0400
			745	0.1520
			748	0.0880
			743	0.0840
			742	0.0020
			756	0.2050
			755	0.0400
			757	0.0600
			758	0.1360
			759	0.0800
			767	0.0260
			कुल	6.0010
		सेखाली	769	0.0010
			770	0.0010
			771	0.0600
			772	0.0140
			773	0.0540
			774	0.0325
			775	0.0070
			787	0.0820
			788	0.0010
			786	0.0680
			776	0.0800
			777	0.1240
			778	0.0850
			779	0.0360
			813	0.0580
			810	0.1280
			838	0.3020
			965	0.0040
			966	0.1600
			967	0.0460
			968	0.0540
			969	0.0580
			974	0.2040
			975	0.0400
			980	0.0340
			982	0.1760
			981	0.1780
			958	0.6720
			947	0.3980
			946	0.0620
			953	0.1600
			856	0.1940
			855	0.0140

1	2	3	4	5
		सेसाली	854	0.1400
			860	0.2260
			509	0.0320
			507	0.1120
			कुल	4.0975
		कोटबलिया	1039	0.0720
			1041	0.8720
			1042	0.0160
			1065	0.0160
			1045	0.2400
			1058	0.1980
			1059	0.1980
			1062	0.0240
			1060	0.0800
			1061	0.0100
			1066	0.1540
			1100	0.0010
			1099	0.0010
			1098	0.0300
			1097	0.0300
			1078	0.1560
			1080	0.0020
			1095	0.1400
			1093	0.0620
			1101	0.0160
			1104	0.1900
			1109	0.1100
			1110	0.0620
			1111	0.0620
			1112	0.0780
			1117	0.0620
			1118	0.0320
			1125	0.0300
			1176	0.1240
			1175	0.4700
			1127	0.0240
			1130	0.4400
			1134	0.2400
			1132	0.1180
			1133	0.0480
			1135	0.0500
			1139	0.2560
			1138	0.0820
			1016	0.0740
			995	0.1280
			989	0.0260
			999	0.2080
			1000	0.0740
			987	0.0440
			1002	0.0340
			724	0.0800
			723	0.5400
			700	0.2650

1	2	3	4	5
		कोटबलिया	699	0.0880
			657	0.2800
			655	0.2400
			643	0.0100
			644	0.1620
			650	0.0020
			649	0.0730
			648	0.2820
			647	0.0010
			646	0.1900
			कुल	7.5970
		नाना	265	5.1060
			264	0.1538
			260	0.0225
			257	0.2160
			258	0.2320
			253	0.0560
			252	0.5040
			251	0.1200
			248	0.0578
			241	0.0880
			238	0.2750
			237	0.2800
			235	0.0137
			233	0.1750
			233/4124	0.0040
			230	0.0880
			211	0.2880
			211/4179	0.2080
			212	0.2000
			213	0.0400
			213/4109	0.1100
			214	0.1000
			216	0.1320
			215/4107	0.1760
			199	0.0100
			215	0.0230
			202	0.1800
			188	0.3200
			188/4116	0.1060
			189	0.0050
			185	0.4360
			183	0.1100
			184	0.2040
			181	0.0300
			133	0.0500
			119	0.0450
			120	0.3648
			121	0.0220
			122	0.4060
			123	0.2300
			125	0.2130
			127	0.3640
			128	0.0506

1	2	3	4	5
	नाना	132/4016	0.0350	
		52	0.0430	
		52/4094	0.1760	
		49	0.0460	
		130	0.1100	
		129	0.4160	
		428	0.0340	
		506	0.4210	
		546	0.3360	
		547	0.0960	
		548	0.0960	
		549	0.1100	
		550	0.0200	
		584	0.0340	
		587	0.0720	
		586	0.0720	
		585	0.1760	
		589	0.1000	
		590	0.0980	
		591	0.0420	
		640/4147	0.0040	
		640	0.1660	
		641	0.0360	
		647	0.0720	
		648	0.0480	
		649	0.0320	
		650	0.2460	
		655	0.0380	
		656	0.0940	
		659	0.1200	
		660	0.0800	
		662	0.0710	
		663	0.0220	
		682	0.0200	
		681	0.4300	
		680	0.4960	
		कुल	16.3232	
	मुण्डारा	1	0.1440	
		कुल	0.1440	
	टिपारी	493	0.6880	
		490	0.0200	
		485/538	0.0880	
		485	0.4000	
		484	0.4560	
		472	0.1600	
		473	0.3600	
		470	0.1300	
		469	0.0880	
		468	0.1300	
		467	0.1260	
		466	0.1300	
		कुल	2.7760	

1	2	3	4	5
		भीटवाड़ा	347	0.2720
			343	0.8420
			342	0.2400
			341	0.1020
			340	0.2640
			281	1.9090
			279	0.0020
			280	0.2000
			367	0.0700
			682	0.2400
			1300/1442	0.0400
			1299	0.0380
			1133	0.7400
			1134	0.1600
			1135	0.1800
			1123	0.0160
			1130	0.0800
			965	0.0400
			936	0.0200
			940	0.0200
			937	0.0450
			938	0.0160
			939	0.0020
			935	0.4180
			941	0.0400
			953	0.0100
			952	0.0480
			951	0.0800
			944	0.1160
			943	0.0620
			942	0.0580
			896	0.0580
			895	0.0520
			965	0.0280
			986	0.0970
			987	0.0660
			990	0.0440
			991	0.0500
			992	0.0200
			862	0.2400
			760	0.1420
			771	0.0320
			772	0.0340
			773	0.0740
			774	0.0120
			777	0.0200
			775	0.0380
			776	0.0400
			780	0.0020
			781	0.0820
			783	0.1200
			788	0.0620
			787	0.0620
			792	0.1440
			794	0.1040

1	2	3	4	5
		भोटवाड़ा	795	0.0010
			797	0.0640
			796	0.0400
			801	0.0020
			802	0.1200
			806	0.0080
			805	0.0200
			804	0.0340
			803	0.0680
			कुल	8.3500
		पतावा	22	0.1100
			25	0.0160
			28	0.0340
			35	0.1660
			35/341	0.2000
			34	0.1480
			32	0.0600
			31/340	0.0880
			31	0.5280
			कुल	1.3500
		पुनिरिया	187	0.1210
			188	0.0710
			562	0.0020
			552	0.2520
			551	0.0420
			549	0.2140
			215	0.0180
			536	0.1100
			535	0.0500
			533	0.0720
			532	0.0940
			531	0.0290
			523	0.1240
			522	0.1360
			521	0.0080
			519	0.0180
			517	0.1060
			365	0.0940
			364	0.1400
			366	0.0160
			367	0.1400
			368	0.0020
			355	0.0220
			338	0.5980
			334	0.1920
			333	0.1920
			316	0.0980
			315	0.0800
			314	0.0320

1	2	3	4	5
		पुनिरिया	245	0.1940
			248	0.0220
			249	0.1040
			304/699	0.0020
			304	0.1500
			260	0.0800
			261	0.3200
			262	0.0240
			282	0.0940
			285	0.2240
			287	0.0820
			कुल	4.3690
		लुनावा	172	0.0010
			192	0.0040
			193	0.2080
			194	0.0660
			189	0.0200
			186	0.2700
			198	0.0010
			199	0.0330
			212	0.0420
			211	0.0020
			210	0.1260
			209	0.0200
			207	0.0260
			206	0.0160
			205	0.0700
			204	0.0880
			213	0.0080
			कुल	1.0010
		भन्वर	1683	0.0120
			1757	0.0900
			1758	0.0900
			1760	0.0900
			1761	0.1440
			1750	0.0120
			1762	0.0960
			1763	0.1200
			1770	0.0020
			1767	0.1120
			1772	0.0140
			1775	0.2960
			1789	0.0160
			1790	0.1200
			1792	0.0780
			1793	0.0740
			1796	0.1590
			1875	0.0420
			1876	0.0300

1	2	3	4	5
		भरदूर	1874	0.0450
			1873	0.1300
			1801	0.0750
			1804	0.0500
			1805	0.0460
			1806	0.1360
			1864	0.1060
			1860	0.1120
			1858	0.1840
			1859	0.0120
			1857	0.1000
			1946	0.0640
			1945	0.0320
			1947	0.0900
			1851	0.3080
			1850	0.0680
			1849	0.0680
			1848	0.1320
			1847	0.2040
			1966	0.0010
			1844	0.0600
			1967	0.0780
			1968	0.1520
			1969	0.1360
			1971	0.0900
			2070	0.0160
			2122	0.0610
			2123	0.0020
			2121	0.0860
			2124	0.0010
			2120	0.0760
			2119	0.0400
			2117	0.0620
			2116	0.0010
			2114	0.0720
			2112	0.1970
			2106	0.1440
			2319	0.0120
			2350	0.2160
			2351	0.0100
			2353	0.0140
			2341	0.0160
			2346	0.1560
			2347	0.1200
			2336	0.1600
			2335	0.1720
			2334	0.1920
			2333	0.0110
			2323	0.1500
			2322	0.1000
			2320	0.0160
			1183	0.2100
			1184	0.0010
			1185	0.0420
			1181	0.0440
			1179/4770	0.0170
			1179	0.0200

1	2	3	4	5
		संख्या		
		1180		0.0920
		1168		0.0880
		1169		0.0340
		1171		0.0100
		1167		0.0100
		1161		0.0400
		1162		0.0340
		1163		0.0440
		1164		0.0020
		1148		0.0180
		1115		0.1220
		1116		0.0310
		1122		0.1400
		1135		0.0050
		1134		0.0600
		1123		0.0300
		1124		0.0300
		1125		0.0500
		1126		0.0860
		1133		0.0060
		1131		0.0010
		1105		0.0500
		1127		0.0300
		1103		0.0300
		1104		0.0700
		1080		0.0140
		1081		0.0740
		1079		0.0200
		1078		0.0720
		1075		0.0800
		1073		0.0200
		1036		0.1600
		1035		0.0160
		1034		0.0800
		1033		0.0860
		1029		0.1260
		1028		0.0840
		1027		0.0840
		1026		0.0880
		1014		0.1040
		1013		0.2400
		999		0.3040
		774		0.0180
		772		0.1620
		771		0.0720
		2370		0.4480
		2447		0.0900
		2446		0.0320
		2455		0.0010
		2456		0.0310
		2457		0.0900
		2450		0.0140
		2416		0.0880
		2417		0.0280
		2439		0.0220
		2418		0.0480

1	2	3	4	5
			2438	0.1020
			2437	0.1100
			2426	0.0640
			2408	0.0500
			2407	0.0940
			2382	0.0680
			2383	0.1100
			2385	0.0460
			2389	0.0020
			2386	0.0400
			2387	0.0400
			कुल	11.1480
	भादपङ्क		849	0.1600
			848	0.0480
			834	0.0010
			835	0.2240
			842	0.2190
			843	0.0150
			833	0.1400
			516	0.1300
			517	0.0540
			518	0.0800
			519	0.1860
			529	0.0040
			528	0.0010
			526	0.1500
			525	0.0010
			524	0.1610
			813	0.0160
			549	0.0020
			550	0.0700
			551	0.1000
			552	0.0940
			553	0.0800
			554	0.0840
			555	0.1100
			556	0.0020
			573	0.0020
			571	0.1900
			572	0.7920
			798	0.1860
			793	0.0700
			789	0.1920
			766	0.0220
			669	0.0600
			670	0.0880
			671	0.0960
			672	0.0880
			674	0.1450
			685	0.0020
			675	0.0010
			754	0.0320
			753	0.2220

1	2	3	4	5
			842	0.0200
			704	0.2000
			705	0.0700
			707	0.2450
			708	0.1040
			709	0.0960
			349	0.0200
			359	0.2300
			242	0.0120
			244	0.0320
			245	0.1450
			246	0.0050
			248	0.0020
			247	0.0490
			249	0.0500
			251	0.0450
			252	0.0700
			261	0.1850
			262	0.0010
			260	0.0240
			266	0.1900
			267	0.0050
			268	0.0010
			269	0.0160
			281	0.1240
			280	0.0100
			282	0.0060
			286	0.1120
			285	0.0960
			300	0.1310
			301	0.0960
			143	0.0020
			302	0.0480
			303	0.0050
			304	0.1230
			305	0.0840
			140	0.1900
			138	0.0560
			139	0.0240
			1081	0.1600
			1077	0.0320
			1078	0.2400
			1076	0.0025
			1079	0.2300
			1075	0.0080
			1083	0.0240
			1089	0.0800
			1090	0.4780
			1092	0.2040
			1093	0.0320
			1094	0.1600
			कुल	8.8765
			कुल योग	110.9487

[सं. एल-14014/9/98-जी.पी.]

आई.एस.एन. प्रसाद, उप सचिव

New Delhi, the 27th November, 1998

S.O. 2559.—whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Kandla—Jamnagar—Loni Pipeline Project in Rajasthan State, Pipeline should be laid by the Gas Authority of India. Limited;

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now therefore in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the General Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Kandla-Jamnagar—Loni Pipeline Project, B-21/A, first floor, Shiv Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Area to be Acquired for Rou in Hectare
1	2	3	4	5
Pali	Bali	Sadulwa	90	0.0020
			88	0.0280
			87	0.0700
			86	0.0450
			95	0.0460
			84	0.0490
			83	0.0280
			82	0.0020
			111	0.0140
			114	0.6800
			280	0.0240
			275	0.1920
			125	0.0280
			234	0.0140
			241	0.1220
			239	0.1920
			240	0.0020
			237	0.1100
			238	0.0800
			249	0.0010
			250	0.0050
			251	0.0140
			252	0.0010
			253	0.0140
			232	0.0960
			216/313	0.1900
			216	0.1340
			217/314	0.1520
			221	0.1420
			197	0.0320
			196	0.1280

1	2	3	4	5
			195	0.0400
			183	0.2100
			184/303	0.1040
			177	0.0560
			161	0.2880
			162	0.3200
			153	0.3600
			152	0.0160
			145	0.3600
			Total	4.3910
	Bera		1530	0.0040
			1542	0.1180
			1531	0.0020
			1538	0.0480
			1540	0.0060
			1537	0.1140
			1536	0.0880
			1558	0.0040
			1559	0.0400
			1560	0.0425
			1561	0.0520
			1585	0.0900
			1562	0.0140
			1563	0.0020
			1583	0.0040
			1584	0.1240
			1591	0.0040
			1597	0.0940
			1598	0.0880
			1596	0.0010
			1614	0.0650
			1613	0.0010
			1615	0.1260
			1616	0.0010
			1622	0.1200
			1671	0.0280
			1688	0.1000
			1683	0.0880
			1684	0.0880
			1681	0.1440
			1680	0.0240
			1722	0.0160
			1733	0.0720
			1743	0.0030
			1742	0.0020
			1734	0.1100
			1735	0.1100
			1736	0.1440
			1737	0.1700
			1824	0.0700
			1861	0.0240
			1860	0.2000

1	2	3	4	5
			1865/4992	0.0030
			1859	0.1280
			1866	0.0020
			1926	0.1680
			1897	0.0010
			1900	0.2800
			1899	0.2020
			1911	0.1280
			1994	0.2200
			1912	0.0600
			1913	0.1200
			1884	0.0010
			1150	0.0300
			1139	0.0900
			1138	0.0540
			1137	0.0440
			1136	0.0400
			1135	0.1120
			1134	0.0010
			1126	0.0500
			1127	0.0030
			1123	0.0360
			1125	0.0220
			1124	0.0360
			1122	0.0020
			1121	0.0880
			1109	0.0300
			1048	0.3400
			1054	0.0650
			1044	0.0650
			1042	0.0010
			1057	0.0550
			1056	0.0820
			1055	0.0450
			1058	0.0180
			1041	0.1600
			1039	0.0200
			1040	0.0840
			1026	0.2400
			1025	0.2300
			1012	0.1980
			1008	0.0600
			1005	0.0600
			1004	0.1440
			1103	0.1520
			3654	0.1600
			3657	0.1860
			3658	0.0560
			3659	0.5040
			3664	0.3600
			3665	0.3200
			3678	1.2480
			3740	0.2400
			3741	0.8960

1	2	3	4	5
			3752	0.4160
			3753	0.0880
			3754	0.3000
			3755/4964	0.8320
			3773	0.5400
			3790/4748	0.2400
			3790/4963	0.3040
			3789	0.5020
			3782	0.2000
			Total	13.5575
	Chamunderi		2875	0.0820
			2873	0.0010
			2872	0.0480
			2871	0.0410
			2869	0.0120
			2870	0.0240
			2868	0.0740
			2867	0.0110
			2866	0.0420
			2865	0.0380
			2864	0.0680
			2851	0.3100
			2852	0.0850
			2850	0.0500
			2849	0.0010
			2846	0.2240
			2847	0.0180
			2709	0.1340
			2708	0.1150
			2706	0.0050
			2707	0.3740
			2703	0.1120
			2704	0.0640
			2702	0.1600
			2701	0.0650
			Total	2.1580
	Kumthiya		234	0.0080
			235	0.2000
			236	0.1120
			232/607	0.0160
			238	0.2240
			239	0.0160
			231	0.7200
			251	0.0400
			247	0.4400
			390	0.0640
			348	0.0740
			351	0.0060
			347	0.0740
			345	0.0280
			344	0.0280
			341	0.0720
			340	0.0150

1	2	3	4	5
			336	0.1000
			335	0.0140
			303	0.1120
			305	0.1200
			304	0.0200
			307	0.0400
			307/610	0.0920
			308	0.0800
			0308/611	0.0080
			309	0.0400
			310	0.0100
			323	0.0500
			322	0.0340
			321	0.2000
			320	0.0640
			Total	3.1210
	Bijapur		159	0.3000
			156	0.3400
			255	0.2240
			257	0.1000
			253	0.0010
			258	0.2310
			155	0.0380
			145	0.1220
			143	0.0020
			144	0.0200
			142	0.0880
			260	0.0500
			261	0.0300
			330	0.2800
			331	0.2000
			371	0.0980
			372	0.4160
			370	0.0300
			373	0.2100
			379	0.1900
			377	0.3280
			568	0.0480
			321	0.0020
			322	0.1680
			623	0.0200
			695	0.3600
			696	0.1440
			697	0.1280
			698	0.1280
			702	0.1240
			703	0.2160
			705	0.0720
			692	0.0260
			691	0.0540
			690	0.0560
			689	0.0590
			688	0.0500
			687	0.0590

1	2	3	4	5
			686	0.1150
			685	0.0560
			684	0.0500
			683	0.0580
			682	0.0560
			681	0.0700
			680	0.0700
			679	0.1120
			678	0.0440
			677	0.0450
			676	0.0760
			675	0.0720
			674	0.0640
			673	0.0480
			672	0.1140
			671	0.0340
			TOTAL	6.0960
	Padarla		4	0.7000
			8	0.0160
			558	0.0040
			554	0.2960
			553	0.2800
			550	0.0720
			545	0.1920
			544	0.0160
			546	0.1120
			543	0.0140
			542	0.0020
			540	0.2000
			541	0.0040
			538	0.0740
			539	0.1200
			536	0.0880
			528	0.0550
			529	0.0640
			530	0.0400
			367	0.2400
			362	0.0160
			40	0.0400
			18	0.0020
			19	0.0960
			20	0.1600
			25	0.0250
			34	0.1020
			26	0.1280
			33	0.0040
			29	0.1400
			TOTAL	3.3020
	Sewadi		218	0.1380
			217	0.1300
			216	0.1340
			226	0.0040

1	2	3	4	5
			310	0.0080
			311	0.1280
			314	0.0010
			324	0.2420
			320	0.1370
			321	0.1160
			176	0.1700
			173	0.0180
			170	0.0050
			169	0.0320
			171	0.1450
			78	0.2170
			80	0.0260
			83	0.2020
			84	0.2020
			457	0.0560
			598	0.2000
			550	0.0010
			549	0.0650
			499	0.0320
			500	0.0020
			546	0.1560
			545	0.2740
			507	0.1340
			509	0.0680
			513	0.0740
			514	0.0530
			515	0.0820
			516	0.0820
			517	0.0890
			518	0.0690
			596	0.1380
			597	0.2740
			598	0.1130
			642	0.0160
			643	0.1850
			641	0.0240
			958	0.0760
			957	0.0880
			956	0.0980
			955	0.0880
			954	0.0940
			952	0.1220
			951	0.1060
			950	0.1240
			881	0.4900
			878	0.2500
			875	0.1540
			874	0.0240
			870	0.1580
			872	0.0440
			871	0.1300
			TOTAL	6.2900

1	2	3	4	5
	Barwa	536	0.6160	
		535	0.0560	
		380	0.4240	
		534	0.0040	
		509	0.2560	
		510	0.0900	
		511	0.0450	
		505	0.0150	
		504	0.2600	
		503	0.0220	
		427	0.2560	
		491	0.1940	
		488	0.1280	
		487	0.1280	
		486	0.1160	
		479	0.0400	
		480	0.1440	
		481	0.0600	
		482	0.1000	
		643	0.0240	
		653	0.2660	
		654	0*0080	
		655	0.0180	
		656	0.2800	
		1094	0.0020	
		1095	0.2620	
		1093	0.0180	
		813	0.0080	
		814	0.0960	
		816	0.0040	
		815	0.1680	
		824	0.0240	
		1076	0.0240	
		1075	0.0880	
		1074	0.0820	
		1073	0.1040	
		1072	0.1020	
		825	0.0160	
		830	0.0140	
		831	0.0020	
		832	0.0560	
		833	0.1450	
		834	0.0020	
		835	0.2540	
		839	0.0010	
		785	0.0160	
		733	0.0460	
		732	0.0040	
		734	0.0400	
		745	0.1520	
		748	0.0880	
		743	0.0840	
		742	0.0020	
		756	0.2050	
		755	0.0400	

1	2	3	4	5
			757	0.0600
			758	0.1360
			759	0.0800
			767	0.0260
			TOTAL	6.0010
	Sesali		769	0.0010
			770	0.0010
			771	0.0600
			772	0.0140
			773	0.0540
			774	0.0325
			775	0.0070
			787	0.0820
			788	0.0010
			786	0.0680
			776	0.0800
			777	0.1240
			778	0.0850
			779	0.0360
			813	0.0580
			810	0.1280
			838	0.3020
			965	0.0040
			966	0.1600
			967	0.0460
			968	0.0540
			969	0.0580
			974	0.2040
			975	0.0400
			980	0.0340
			982	0.1760
			981	0.1780
			958	0.6720
			947	0.3980
			946	0.0620
			953	0.1600
			856	0.1940
			855	0.0140
			854	0.1400
			860	0.2260
			509	0.0320
			507	0.1120
			TOTAL	4.0975
	Kotbalia		1039	0.0720
			1041	0.8720
			1042	0.0160
			1065	0.0160
			1045	0.2400
			1058	0.1980
			1059	0.1980
			1062	0.0240
			1060	0.0800

1	2	3	4	5
			1061	0.0100
			1066	0.1540
			1100	0.0010
			1099	0.0010
			1098	0.0300
			1097	0.0300
			1078	0.1560
			1080	0.0020
			1095	0.1400
			1093	0.0620
			1101	0.0160
			1104	0.1900
			1109	0.1100
			1110	0.0620
			1111	0.0620
			1112	0.0780
			1117	0.0620
			1118	0.0320
			1125	0.0300
			1176	0.1240
			1175	0.4700
			1127	0.0240
			1130	0.4400
			1134	0.2400
			1132	0.1180
			1133	0.0480
			1135	0.0500
			1139	0.2560
			1138	0.0820
			1016	0.0740
			995	0.1280
			989	0.0260
			999	0.2080
			1000	0.0740
			987	0.0440
			1002	0.0340
			724	0.0800
			723	0.5400
			700	0.2650
			699	0.0880
			657	0.2800
			655	0.2400
			643	0.0100
			644	0.1620
			650	0.0020
			649	0.0730
			648	0.2820
			647	0.0010
			646	0.1900
			TOTAL	7.5970

1	2	3	4	5
		Nana	265	5.1060
			264	0.1538
			260	0.0225
			257	0.2160
			258	0.2320
			253	0.0560
			252	0.5040
			251	0.1200
			248	0.0578
			241	0.0880
			238	0.2750
			237	0.2800
			235	0.0137
			233	0.1750
			233/4124	0.0040
			230	0.0880
			211	0.2880
			211/4179	0.2080
			212	0.2000
			213	0.0400
			213/4109	0.1100
			214	0.1000
			216	0.1320
			215/4107	0.1760
			199	0.0100
			215	0.0230
			202	0.1800
			188	0.3200
			188/4116	0.1060
			189	0.0050
			185	0.4360
			183	0.1100
			184	0.2040
			181	0.0300
			133	0.0500
			119	0.0450
			120	0.3648
			121	0.0220
			122	0.4060
			123	0.2300
			125	0.2130
			127	0.3640
			128	0.0506
			132/4016	0.0350
			52	0.0430
			52/4094	0.1760
			49	0.0460
			130	0.1100
			129	0.4160
			428	0.0340
			506	0.4210
			546	0.3360
			547	0.0960
			548	0.0960
			549	0.1100
			550	0.0200

1	2	3	4	5
			584	0.0340
			587	0.0720
			586	0.0720
			585	0.1760
			589	0.1000
			590	0.0980
			591	0.0420
			640/4147	0.0040
			640	0.1660
			641	0.0360
			647	0.0720
			648	0.0480
			649	0.0320
			650	0.2460
			655	0.0380
			656	0.0940
			659	0.1200
			660	0.0800
			662	0.0710
			663	0.0220
			682	0.0200
			681	0.4300
			680	0.4960
			TOTAL	16.3232
		Mundara	1	0.1440
			Total	0.1440
		Tipri	493	0.6880
			490	0.0200
			485/538	0.0880
			485	0.4000
			484	0.4560
			472	0.1600
			473	0.3600
			470	0.1300
			469	0.0880
			468	0.1300
			467	0.1260
			466	0.1300
			Total	2.7760
		Bhitwara	347	0.2720
			343	0.8420
			342	0.2400
			341	0.1020
			340	0.2640
			281	1.9090
			279	0.0020
			280	0.2000
			367	0.0700
			682	0.2400
			1300/1442	0.0400

1	2	3	4	5
	Bhitwara—Contd.	1299		0.0380
		1133		0.7400
		1134		0.1600
		1135		0.1800
		1123		0.0160
		1130		0.0800
		965		0.0400
		936		0.0200
		940		0.0200
		937		0.0450
		938		0.0160
		939		0.0020
		935		0.4180
		941		0.0400
		953		0.0100
		952		0.0480
		951		0.0800
		944		0.1160
		943		0.0620
		942		0.0580
		896		0.0580
		895		0.0520
		965		0.0280
		986		0.0970
		987		0.0660
		990		0.0440
		991		0.0500
		992		0.0200
		862		0.2400
		760		0.1420
		771		0.0320
		772		0.0340
		773		0.0740
		774		0.0120
		777		0.0200
		775		0.0380
		776		0.0400
		780		0.0020
		781		0.0820
		783		0.1200
		788		0.0620
		787		0.0620
		792		0.1440
		794		0.1040
		795		0.0010
		797		0.0640
		796		0.0400
		801		0.0020
		802		0.1200
		806		0.0080
		805		0.0200
		804		0.0340
		803		0.0680
		Total		8.3500

1	2	3	4	5
	Patawa	22		0.1100
		25		0.0160
		28		0.0340
		35		0.1660
		35/341		0.2000
		34		0.1480
		32		0.0600
		31/340		0.0880
		31		0.5280
		Total		1.3500
	Puniriya	187		0.1210
		188		0.0710
		562		0.0020
		552		0.2520
		551		0.0420
		549		0.2140
		215		0.0180
		536		0.1100
		535		0.0500
		533		0.0720
		532		0.0940
		531		0.0290
		523		0.1240
		522		0.1360
		521		0.0080
		519		0.0180
		517		0.1060
		365		0.0940
		364		0.1400
		366		0.0160
		367		0.1400
		368		0.0020
		355		0.0220
		338		0.5980
		334		0.1920
		333		0.1920
		316		0.0980
		315		0.0800
		314		0.0320
		245		0.1940
		248		0.0220
		249		0.1040
		304/699		0.0020
		304		0.1500
		260		0.0800
		261		0.3200
		262		0.0240
		282		0.0940
		285		0.2240
		287		0.0820
		Total		4.3690

Lunawa	172	0.0010
	192	0.0040
	193	0.2080
	194	0.0660
	189	0.0200
	186	0.2700
	198	0.0010
	199	0.0330
	212	0.0420
	211	0.020
	210	0.1260
	209	0.0200
	207	0.0260
	206	0.0160
	205	0.0700
	204	0.0880
	213	0.0080
	Total	1.0010
Bhandar	1683	0.0120
	1757	0.0900
	1758	0.0900
	1760	0.0900
	1761	0.1440
	1750	0.0120
	1762	0.0960
	1763	0.1200
	1770	0.0020
	1767	0.1120
	1772	0.0140
	1775	0.2960
	1789	0.0160
	1790	0.1200
	1792	0.0780
	1793	0.0740
	1796	0.1590
	1875	0.0420
	1876	0.0300
	1874	0.0450
	1873	0.1300
	1801	0.0750
	1804	0.0500
	1805	0.0460
	1806	0.1360
	1864	0.1060
	1860	0.1120
	1858	0.1840
	1859	0.0120
	1857	0.1000
	1946	0.0640
	1945	0.0320

1	2	3	4	5
			1947	0.0900
			1851	0.3080
			1850	0.0680
			1849	0.0680
			1848	0.1320
			1847	0.2040
			1966	0.0010
			1844	0.0600
			1967	0.0780
			1968	0.1520
			1969	0.1360
			1971	0.0900
			2070	0.0160
			2122	0.0610
			2123	0.0020
			2121	0.0860
			2124	0.0010
			2120	0.0760
			2119	0.0400
			2117	0.0620
			2116	0.0010
			2114	0.0720
			2112	0.1970
			2106	0.1440
			2319	0.0120
			2350	0.2160
			2351	0.0100
			2353	0.0140
			2341	0.0160
			2346	0.1560
			2347	0.1200
			2336	0.1600
			2335	0.1720
			2334	0.1920
			2333	0.0110
			2323	0.1500
			2322	0.1000
			2320	0.0160
			1183	0.2100
			1184	0.0010
			1185	0.0420
			1181	0.0440
			1179/4770	0.0170
			1179	0.0200
			1180	0.0920

1	2	3	4	5
			1168	0.0880
			1169	0.0340
			1171	0.0100
			1167	0.0100
			1161	0.0400
			1162	0.0340
			1163	0.0440
			1164	0.0020
			1148	0.0180
			1115	0.1220
			1116	0.0310
			1122	0.1400
			1135	0.0050
			1134	0.0600
			1123	0.0300
			1124	0.0300
			1125	0.0500
			1126	0.0860
			1133	0.0060
			1131	0.0010
			1105	0.0500
			1127	0.0300
			1103	0.0300
			1104	0.0700
			1080	0.0140
			1081	0.0740
			1079	0.0200
			1078	0.0720
			1075	0.0800
			1073	0.0200
			1036	0.1600
			1035	0.0160
			1034	0.0800
			1033	0.0860
			1029	0.1260
			1028	0.0840
			1027	0.0840
			1026	0.0880
			1014	0.1040

1	2	3	4	5
			1013	0.2400
			999	0.3040
			774	0.0180
			772	0.1620
			771	0.0720
			2370	0.4480
			2447	0.0900
			2446	0.0320
			2455	0.0010
			2456	0.0310
			2457	0.0900
			2450	0.0140
			2416	0.0880
			2417	0.0280
			2439	0.0220
			2418	0.0480
			2438	0.1020
			2437	0.1100
			2426	0.0640
			2408	0.0500
			2407	0.0940
			2382	0.0680
			2383	0.1100
			2385	0.0460
			2389	0.0020
			2386	0.0400
			2387	0.0400
			Total	11.1480
	Bhatund		849	0.1600
			848	0.0480
			834	0.0010
			835	0.2240
			842	0.2190
			843	0.0150
			833	0.1400
			516	0.1300
			517	0.0540
			518	0.0800
			519	0.1860
			529	0.0040
			528	0.0010

1	2	3	4	5
			526	0.1500
			525	0.0010
			524	0.1610
			813	0.0160
			549	0.0020
			550	0.0700
			551	0.1000
			552	0.0940
			553	0.0800
			554	0.0840
			555	0.1100
			556	0.0020
			573	0.0020
			571	0.1900
			572	0.7920
			798	0.1680
			793	0.0700
			789	0.1920
			766	0.0220
			669	0.0600
			670	0.0880
			671	0.0960
			672	0.0880
			674	0.1450
			685	0.0020
			675	0.0010
			754	0.0320
			753	0.2220
			842	0.0200
			704	0.2000
			705	0.0700
			707	0.2450
			708	0.1040
			709	0.0960
			349	0.0200
			359	0.2300
			242	0.0120
			244	0.0320
			245	0.1450
			246	0.0050
			248	0.0020
			247	0.0490
			249	0.0500
			251	0.0450

1	2	3	4	5
			252	0.0700
			261	0.1850
			262	0.0010
			260	0.0240
			266	0.1900
			267	0.0050
			268	0.0010
			269	0.0160
			281	0.1240
			280	0.0100
			282	0.0060
			286	0.1120
			285	0.0060
			300	0.1310
			301	0.0960
			143	0.0020
			302	0.0480
			303	0.0050
			304	0.1230
			305	0.0840
			140	0.1900
			138	0.0560
			139	0.0240
			1081	0.1600
			1077	0.0320
			1078	0.2400
			1076	0.0025
			1079	0.2300
			1075	0.0080
			1083	0.0240
			1089	0.0800
			1090	0.4780
			1092	0.2040
			1093	0.0320
			1094	0.1600
			Total	8.8765
			G. Total	110.9487

[No. L-14014/9/98-G.P.]

I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 9 दिसम्बर, 1998

का.आ. 2560— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) और (2) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1514, तारीख 1 अगस्त 1998 द्वारा भारत पेट्रोलियम कारपोरेशन लिमिटेड माहुल (मुंबई) की परिष्करण से महाराष्ट्र राज्य जिला नासिक में पानेवाडी (मनमाड) तक मोटर स्प्रीट, उत्कृष्ट केरोसिन तेल और हाई स्पीड डीजल का परिवहन करने के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाईपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों का अर्जन के अपने आशय की घोषणा की थी:

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 7.9.1998 से उपलब्ध कराई जा चुकी हैं:

और उक्त अधिनियम की धारा 6 की उपधारा (1) अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है:

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाये:

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने की घोषणा करती है:

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग के अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी वित्तगमों से मुक्त होकर भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होंगे।

अनुसूची

जिला: ठाणे		राज्य : महाराष्ट्र		
गांव	शट नं./सर्वे न.	भूमि में उपयोग के अधिकार का अर्जन क्षेत्र हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
तहसील: शहापुर				
वेलुक	5 / 19	0	30	00
	5 / 20	0	02	25
	18 / 10	0	38	65
	23 / 3	0	18	00
	23 / 4	0	08	30
	23 / 6	0	07	50
तहसील: भिवंडी				
जानवल	28 / 3P	0	00	42
	28 / 3P	0	10	20
	28 / 3P	0	07	61
उसरोळी	38 / 8	0	06	00

फाईल सं. आर-31015/1/98-OR-II

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 9th December, 1998

S.O. 2560:—WHEREAS by notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O.1514 dated the 1-8-98 issued under sub-section (1) of Section 3 and Sub-Section 2 of the Petroleum and the Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the said lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Refinery of Bharat Petroleum Corporation Ltd., Mahul, (Mumbai) to Panewadi (Manmad) District Nasik in the State of Maharashtra and a pipeline should be laid by Bharat Petroleum Corporation Limited;

AND whereas copies of the said Gazette Notification have been made available to the public from 7-9-98 ;

AND whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

AND whereas the Central Government, after considering the said report, is satisfied that the right of user in the lands specified in the schedule appended to this notification should be acquired;

NOW, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired;

AND further in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Petroleum Corporation Limited.

SCHEDULE

District : Thane		State : Maharashtra		
Name of Village	Survey/Gat Numbers	Factors	Area	Sq.Mts
1	2	3	4	5
TAHSIL : SHAHAPUR				
VELUK	5/19	0	30	00
	5/20	0	02	25
	18/10	0	38	65
	23/3	0	18	00
	23/4	0	08	30
	23/6	0	07	50
TAHSIL : BHIVANDI				
JANVAL	28/3 P	0	00	42
	28/3 P	0	10	20
	28/3 P	0	07	61
USROLI	38/8	0	06	00

(File No. R-31015/ 01/98 - OR-II)
S. Chandrasekhar , Under Secretary

नई दिल्ली, 11 दिसम्बर, 1998

का. आ. 256।— केन्द्रीय सरकार ने, विभिन्न उपभोग केन्द्रों को पेट्रोलियम उत्पाद के परिवहन के लिए संपूर्ण देश में सुस्थापित या संस्थापित पाइपलाइन नेटवर्क का विकास करने के लिए एक वित्तीय नियंत्री कंपनी अर्थात् पेट्रोनेट इंडिया लिमिटेड की स्थापना की है;

और केन्द्रीय सरकार द्वारा यह विनिश्चित किया गया था कि देश में पाइपलाइनों द्वारा पेट्रोलियम उत्पादों के लिए पाइपलाइनों का सन्निर्माण और उनका प्रचालन पेट्रोनेट इंडिया लिमिटेड के सहउद्यम से किया जाएगा

और केरल और तमिलनाडु के कोचिन — करूर — कोयम्बतूर खण्ड में पेट्रोलियम उत्पाद पाइपलाइन के सन्निर्माण और प्रचालन के प्रयोजन के लिए कम्पनी अधिनियम, 1956 के अधीन एक एक सहउद्यम कंपनी अर्थात् पेट्रोनेट सी. सी. के लिमिटेड बनाई गई थी और रजिस्ट्रीकृत की गई थी;

और पेट्रोनेट सी. सी. के लिमिटेड के निगमन का प्रमाण-पत्र 18.6.1998 को जारी किया गया था;

और केन्द्रीय सरकार ने कोचिन — कोयम्बतूर—करूर परियोजना के लिए का. आ. 2428 और का. आ. 2429 तारीख 17 सितंबर, 1997 द्वारा क्रमशः तमिलनाडु और केरल राज्य सरकार से, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड में प्रतिनियुक्ति पर सर्वश्री वी. कुप्पन्नन, उप कलक्टर और ए.टी. जेम्स, उप कलक्टर को प्राप्ति प्रकृत किया।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) और धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निदेश देती है कि इससे उपाबद्ध सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं में से प्रत्येक का उक्त सारणी के स्तंभ (3) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट रीति में, संशोधन या और संशोधन किया जायगा।

सारणी

क्रम सं.	अधिसूचना सं. और तारीख	संशोधन
1.	का.आ.सं 2428, तारीख 17.9.97	“प्रतिनियुक्ति पर विशेष उप कलेक्टर श्री वी कुप्पन्न को भारत पेट्रोलियम कारपोरेशन लिमिटेड, कोचीन—कोयम्बतूर—करूर पाइपलाईन परियोजना से संबंधित” शब्दों के स्थान पर “भारत पेट्रोलियम कारपोरेशन लिमिटेड में प्रतिनियुक्ति पर विशेष उप—कलेक्टर श्री वी कुप्पन्न को, उसके द्वारा सह—प्रवर्तित एक कम्पनी पेट्रोनेट सी.सी.के. लिमिटेड की कोचीन—कोयम्बतूर—करूर पाइपलाईन परियोजना के क्रियान्वयन के प्रयोजन के लिए” शब्द रखे जाएंगे;
1.	का.आ.सं 2429, तारीख 17.9.97	“प्रतिनियुक्ति पर उप कलेक्टर श्री ए.टी. जैम्स को भारत पेट्रोलियम कारपोरेशन लिमिटेड, कोचीन—कोयम्बतूर—करूर पाइपलाईन परियोजना से संबंधित” शब्दों के स्थान पर “भारत पेट्रोलियम कारपोरेशन लिमिटेड में प्रतिनियुक्ति पर उप—कलेक्टर श्री ए.टी. जैम्स को, उसके द्वारा सह—प्रवर्तित एक कम्पनी पेट्रोनेट सी.सी.के. लिमिटेड की कोचीन—कोयम्बतूर—करूर पाइपलाईन परियोजना के क्रियान्वयन के प्रयोजन के लिए” शब्द रखे जाएंगे;
1.	का.आ.सं 1513, तारीख 22.7.98	“भारत पेट्रोलियम कारपोरेशन लिमिटेड” शब्दों के स्थान पर, जहाँ जहाँ वे आते हैं “पेट्रोनेट सी.सी.के. लिमिटेड” शब्द रखे जाएंगे।

[सं. आर. 31015/5/98—ओ.आर.—II]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 11th December, 1998

S.O. 2561;— Whereas the Central Government established a financial holding company namely Petronet India Limited to develop a well settled or established pipeline network through out the country to transport the product of petroleum to the various consumption centres;

And whereas, it was decided by the Central Government that the construction and operation of petroleum products by pipelines in the country will be undertaken through joint ventures of Petronet India Limited;

And whereas, a Joint Venture company namely, Petronet CCK Limited was formed and registered under the Companies Act, 1956 for the purpose of construction and operation of petroleum products pipeline in Cochin-Karur-Coimbatore Segment in Kerala and Tamil Nadu;

And whereas, the certificate of incorporation of Petronet CCK Limited was issued on 18.6.98;

And whereas, the Central Government authorised S/Shri V. Kuppannan, Deputy Collector and A.T. James, Deputy Collector on deputation from the State Governments of Tamil Nadu and Kerala respectively to Bharat Petroleum Corporation Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 for Cochin-Coimbatore-Karur Pipeline Project vide S.O. 2428 & 2429 dated 17th September, 1997.

Now, therefore, in exercise of the powers conferred by clause (a) of section 2 and sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas Specified in the column (2) of the Table hereby annexed, shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table.

TABLE

S. Notification No.& Date No.	Amendment
(1) S.O. No. 2428 dated 17.9.97	For the words "Cochin-Coimbatore-Karur Pipeline project", the words "for the purpose of implementing the Cochin-Coimbatore-Karur Pipeline Project of Petronet CCK Limited, a Company Co-promoted by it"
(2) S.O. 2429 dated 17.9.97	For the words "Cochin-Coimbatore-Karur Pipeline project", the words "for the purpose of implementing the Cochin-Coimbatore-Karur Pipeline Project of Petronet CCK Limited, a Company Co-promoted by it"
(3) S.O. No. 1513 dated 22.7.98	For the words "Bharat Petroleum Corporation Limited" wherever they occur the words "Petronet CCK Limited" shall be substituted.

[No. R-31015/5/98-OR-II]

S CHANDRASEKHAR, Under Secy.

नई दिल्ली, 2 दिसम्बर, 1998

का.अम. 2562.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए "सुमिदा" ब्रांड नाम वाले मीटरी मापक स्टील के फीते के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स ताजिमा आसा भानु टूल्स लिमिटेड, 302, साज अपट्स, 6-3-249/3 एफ रोड सं. 1 नवीन नगर, बंजारा हिल्स, हैदराबाद-500034 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/97/06 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

माडल (आकृति देखिए) एक स्टील का बना हुआ मापक फीता है जिसकी अधिकतम मापक लम्बाई 30 मीटर है। लघुतम प्रभाग 1 मिलीमीटर है। फीता की चौड़ाई 10 मि. मी. है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषित करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित निम्नलिखित विनिर्देशों वाले समरूप मेक, यथार्थता और कार्यकरण वाले मापक फीते भी हैं :

माडल	अधिकतम लम्बाई	लघुतम प्रभाग	चौड़ाई
हिलोक	2 मी. से 7.5 मी.	1 मि.मी.	13 मि.मी.-25 मी.
सुमिदा	10 मी. से 30 मी.	1 मि.मी.	10 मि.मी.
लेवल कोन्वे	3 मी. से 5 मी.	1 मि.मी.	16 मि.मी.
(लेवल सूचन सहित)			
स्लाट लेवल	5 मी.	1 मि. मी.	16 मि.मी.
कोन्वे (लेवल सूचक सहित)			

[फा. सं. डब्ल्यू. एम. 21(33)/96]

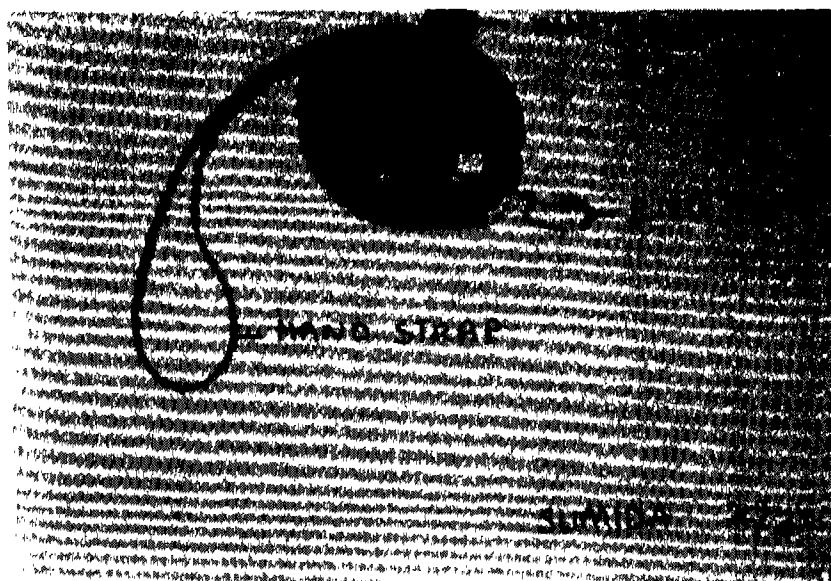
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd December, 1998

S. O. 2562.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model (figure below) described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under aried conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the metric measuring steel tapes with brand name "SUMIDA" (hereinafter called the model) manufactured by M/s. Tajima Asa Bhanu Tools Ltd., 302, Saaz Apts, 6-3-249/3/F, Road No. 1, Naveen Nagar, Banjara Hills, Hyderabad-500034, and which is assigned the approval mark IND/09/97/06 ;

The Model (see figure) is a measuring tape made of steel with a maximum measuring length of 30 metre. The smallest division is 1 millimetre. The width of the tape is 10 mm.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the measuring tapes of similar make, accuracy and performance manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured with the following specifications :

Model	Max length	Smallest Division	Width
HILOCK	2m to 7.5 m	1mm	13mm-25m
SUMIDA	10m to 30m	1mm	10mm
Level Conve (with level indication)	3m to 5m	1mm	16mm
Slant Level Conve (with level indicator)	5m	1mm	16mm

[File No. WM 21(33)/96]

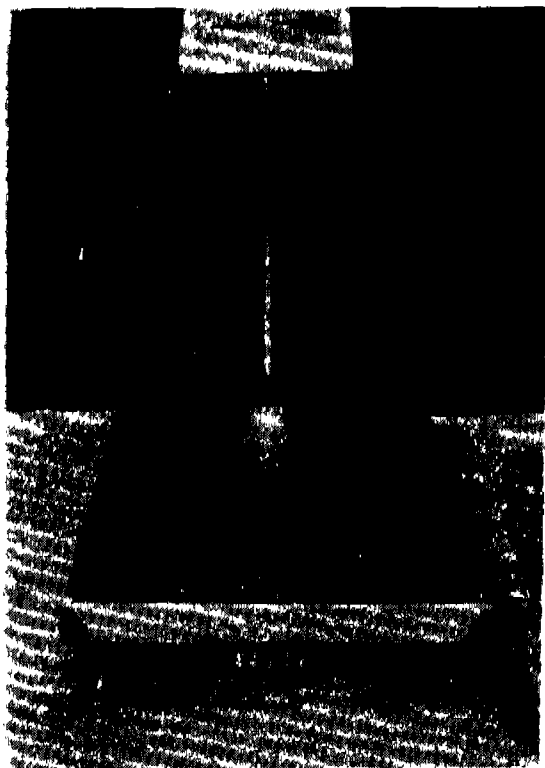
P A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 दिसम्बर, 1998

का. आ. 2563.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वर्ग III यथार्थता (मध्यम यथार्थता) वाली "ई पी एस" श्रृंखला की स्वतः सूचक, अस्वच्छालित, इलेक्ट्रॉनिक, प्लेटफार्म तोलन मशीन के माडल का जिसका ब्रांड का नाम "इन्कार्डो एन" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मै. इन्कार्डियो-रिट इलेक्ट्रॉनिक प्रा.लि., ए-5, इण्डस्ट्रियल इम्पेड, तालकटोरा रोड, लखनऊ 226011 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/98/51 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) तोलन यंत्र है, जिसकी अधिकतम क्षमता 100 कि. ग्राम और न्यूनतम क्षमता 400 ग्रा. है। स्थापन माप क्रम अन्तराल 20 ग्राम है। इसमें एक आधेय तुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेय तुलन प्रभाग है। भारग्राही वर्गाकार भाग है जिसकी भुजाएं 600 × 500 मिलीमीटर है। प्रकाश उत्सर्जन डायोड प्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 50 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन इसी प्रमाण पत्र के अन्तर्गत समान श्रृंखला के तोलन यंत्र भी हैं, जिसके अधिकतम स्थापन आन्तरिक मापक्रम (एन) 10,000 से कम या (एन. ≤ 10,000) के समतुल्य है और जिसका विनिर्माण उसी विनिर्माता द्वारा उम्मी सिद्धान्त, डिजाइन और सामग्री से किया गया है, जिससे अनुमोदित माडल विनिर्मित है।

[फा. सं. डब्ल्यू. एम. 21(72)/94]

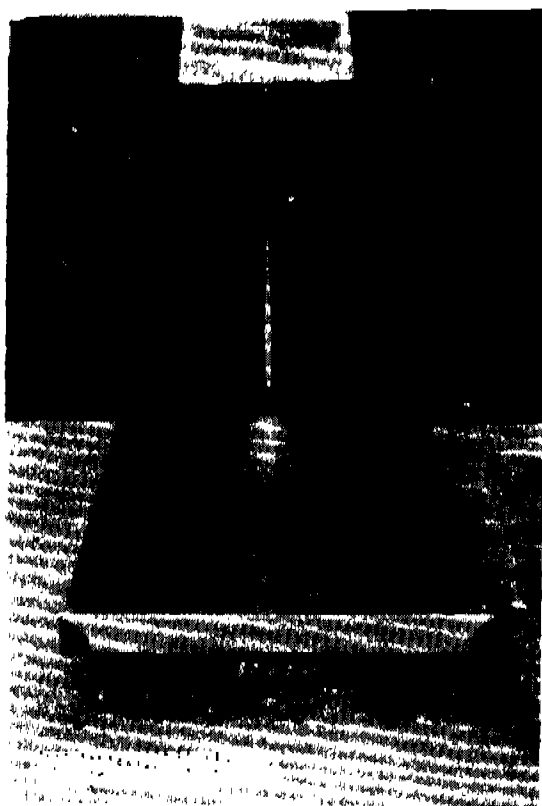
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd December, 1998

S. O. 2563.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic Platform weighing machine of type "EPS" series of class III accuracy (Medium accuracy) and with brand name Encardio-rite (hereinafter referred to as the Model) manufactured by M/s. Encardio-rite Electronics Pvt Ltd. A-5, Industrial Estate, Talkatora Road, Lucknow-226011, and which is assigned the approval mark IND/09/98/51 ;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 600 × 500 millimeter. The LED display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value to 1, 2, 5 series, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(72)/94]

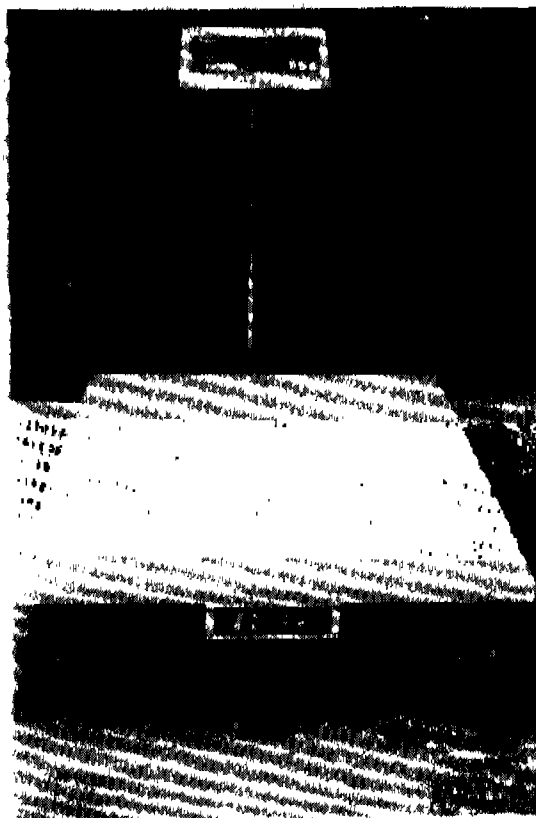
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 दिसम्बर, 1998

का. आ. 2564.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक माडलों का अनुमोदन नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अधिकृत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली "ई पी" श्रृंखला की, स्वतः सूचक, अस्वचालित, इलेक्ट्रानिक प्लेटफार्म प्रकार के तोलन मशीन के माडल का जिसका ब्रांड का नाम "इन्कार्डो-एन" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मै. इन्कारेडियो-रिट इलेक्ट्रानिक प्रा. लि., ए-5, इण्डस्ट्रियल इस्टेट, तालकटोरा रोड, लखनऊ-226011 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई. एन. डी/09/98/52 समनुदेशित किया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;

यह माडल (आकृति देखिए) मध्यम यथार्थता (यथार्थता वर्ग III) तोलन यंत्र है, जिसकी अधिकतम क्षमता 2000 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्राम है। सत्यापन मापमान अन्तराल 500 ग्राम है। इसमें एक आधेय तुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेय तुलन प्रभाव है। भार ग्राही वर्गाकार है जिसकी भुजाएं 1000 × 1000 मिलीमीटर हैं। प्रकाशा उत्सर्जन डायोड संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत पर कार्य करता है;



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन इसी प्रमाण पत्र के अन्तर्गत समान श्रृंखला के तोलन यंत्र भी हैं जिनसे अधिकतम सत्यापन आन्तरिक मापक्रम (एन) 10,000 से कम या (एन. ≤ 10,000) से समतुल्य है और जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री से किया गया है, जिससे अनुमोदित माडल विनिर्मित है।

[फा. सं. डब्ल्यू एम 21 (72)/94]

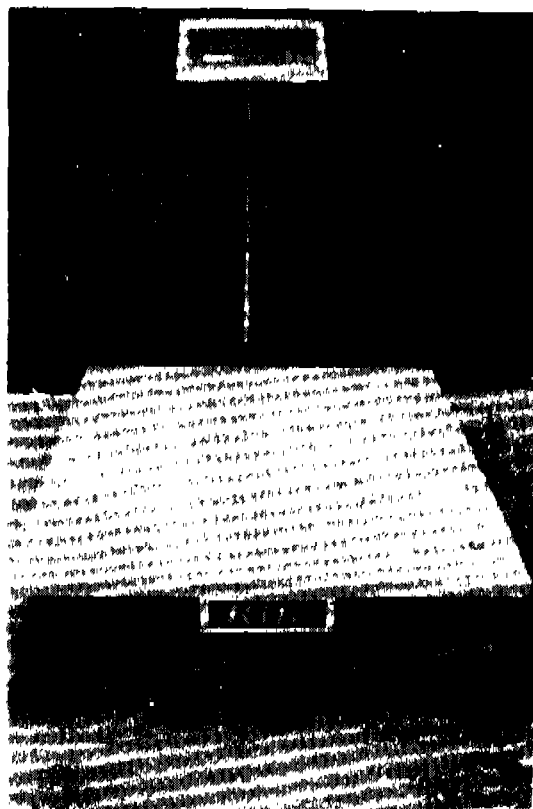
पी. ए. कुण्डामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd December, 1998

S. O. 2564.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic platform weighing machine of type "EP" series of class III accuracy (Medium accuracy) and with brand name "ENCARDIO" (hereinafter referred to as the Model) manufactured by M/s. Encardio-rite Electronics Pvt. Ltd, A-5, Industrial Estate, Talkatora Road, Lucknow-226011 and which is assigned the approval mark IND/09/98/52;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 2000 Kg and minimum capacity of 10 kg. The verification scale interval (e) is 500g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 1000x1000 millimeter. The LED display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply,



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($e \leq 10,000$) and with 'c' value to 1, 2, 5 series, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(72)/94]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 दिसम्बर, 1998

का.आ. 2565.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली "ई पी एस" श्रृंखला की स्वतः सूचक, अस्वचालित इलेक्ट्रॉनिक प्लेटफार्म प्रकार की तोलन मशीन के माडल का जिसका ब्रांड का नाम "इन्कार्डो-एन" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) में जिसका विनिर्माण और इन्कार्डो-रिट इलेक्ट्रॉनिक प्रा. लि., इण्डस्ट्रियल इस्टेट, तालकटोरा रोड, लखनऊ-226011 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी. 09/98/53 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;

यह माडल (आकृति देखिए) मध्यम यथार्थता (यथार्थता वर्ग-III) तोलन यंत्र है, जिसकी अधिकतम क्षमता 120 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन माप क्रम अन्तराल 20 ग्राम है। इसमें एक आधेय तुलन युक्ति है जिसका शतप्रतिशत व्यकलनात्मक भारित आधेय तुलन प्रभाव है। भार ग्राही वर्गाकार है जिसकी भुजाएं 600 × 500 मिली मीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्ट्ज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त माडल के अनुमोदन इसी प्रमाण पत्र के अन्तर्गत समान श्रृंखला के तोलन यंत्र भी है जिनके अधिकतम सत्यापन आन्तरिक मापक्रम (एन) 10,000 से कम या (एन ≤ 10,000) के समतुल्य है और जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री से किया गया है, जिससे अनुमोदित माडल विनिर्मित है।

[फा. सं. डब्ल्यू. एम. 21(72)/94]

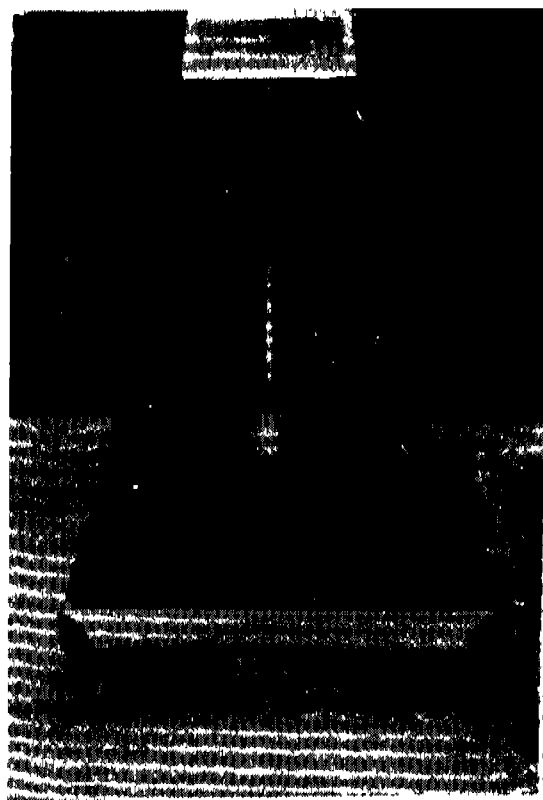
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd December, 1998

S. O. 2565.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic plat-form weighing machine of type "EPS" series of class III accuracy (Medium accuracy) and with brand name "ENCARDIO" (hereinafter referred to as the Model) manufactured by M/s. Encardio-rite Electronics Pvt Ltd, A-5, Industrial Estate, Talkatora Road, Lucknow-226011 and which is assigned the approval mark IND/09/98/53;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 120 kg. and minimum capacity of 400 gram. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 600 × 500 millimeter. The LED display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply,



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value to 1, 2, 5 series, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved Model has been manufactured

[File No. WM 21(72)/94]

P A KRISHNAMOORTHY, Director, Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2566—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1149 दिनांक 26 मई, 1998 द्वारा प्रतिभूति मुद्रणालय हैदराबाद को उक्त अधिनियम के प्रयोजनों के लिये 26 मई, 1998 से छह मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 26 नवम्बर, 1998 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एस्-11017/8/97-आई आर. (पी.एल.)]

एच.सी. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 19th November, 1998

S.O. 2566.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1149 dated 26th May, 1998 the services in Security Printing Press, Hyderabad to be a public utility service for the purpose of the said Act. for a period of six months from the 26th May, 1998.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months:

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 26th November, 1998.

[No. S-11017/8/97-IR (PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 27 नवम्बर, 1998

का.आ. 2567—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था; औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 3203 GI/98—13

का.आ. 1386 दिनांक 17 जून, 1998 द्वारा भारतीय रिजर्व बैंक नोट मुद्रण लि., मैसूर एवं साल्बोनी को उक्त अधिनियम के प्रयोजनों के लिये 17 जून, 1998 के छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 17 दिसम्बर, 1998 से छह मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एस्-11017/02/96-आई आर. (पी.एल.)]

एच.सी. गुप्ता, अवर सचिव

New Delhi, the 27th November, 1998

S.O. 2567.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1386 dated 17th June, 1998 the services in Bhartiya Reserve Bank Note Mudran Limited at Mysore (in Karnataka) and Salboni (in West Bengal) to be a public utility service for the purpose of the said Act. for a period of six months from the 17th June, 1998;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 17th December, 1998.

[No. S-11017/2/96-IR (PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 30 नवम्बर, 1998

का.आ. 2568—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01-12-1998 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध आन्ध्रा प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“श्रीकाकुलम क्षेत्र के पल्लाना मंडल के अन्तर्गत राजस्व क्षेत्र में आने वाले पल्लाना, कामोद्गमा, उदयापूरम, पुष्पोबा-

पुरम, मोगीलीपाडू, सासानाम, चाईनाबादाम, राजापूरम,
पारासामबा, नरसीपुरम, पदमनाभापुरम, अमबुसोली,
तरलाकोटा, सुनावा, कावरीपुरम, और कामबरीग्राम"।

[संख्या एस-38013/25/98-एस एस-1]

जे.पी. शुकला, अव्वर सचिव

New Delhi, the 30th November, 1998

S.O. 2568.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st December, 1998 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh namely :—

"The areas falling within the limits of : Revenue villages of Palasa, Kasibugga, Udayapuram, Purushothapuram, Mogilipadu, Sasanam, Chinabadam, Rajapuram, Parasamba, Narsipuram, Padmanabha Puram, Ambusoli, Tarlakota, Sunnada, Kedariapuram and Kambrigarm in Palasa Mandal in Srikakulam District in Andhra Pradesh".

[No. S-38013/25/98-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 11 नवम्बर, 1998

का आ. 2569-औद्योगिक विवाद अधिनियम, 1947
(1947 वा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सीआई के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण तमिलनाडु के पंचाट को प्रभावित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एन-22012/98/एफ/93-आई आर(सी.-II)]

वी.के. राजन, डेस्क अधिकारी

New Delhi, the 11th November, 1998

S.O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 9-11-1998.

[No. L-22012/96/F/93-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
CHENNAI

Wednesday, the 29th day of July, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal,
Industrial Dispute No. 55 of 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Food Corporation of India, Madras).

BETWEEN

The workmen represented by

The Convenor,
FCI Labour Federation,
7/2, Darma Kanakammal Street,
West Mambalam,
Madras-600033.

AND

The Zonal Manager,
Food Corporation of India,
2, Haddows Road,
Madras-600006.

REFERENCE :

Order No. L-22012/96/F/93-IR C-II, Ministry of Labour dated 17-6-1993, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 2nd day of July, 1998, upon perusing the reference, claim, counter statements and all other material papers on record, upon hearing the arguments of Tvl. R. Ganeshan, V. Gangatharan and K. Sundaravadivel, Advocates appearing for the petitioner union and of Tvl. K. Madhavan and K. Balakishnan Advocates appearing for the respondent, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the services of workmen employed in different Food Storage depots in Food Corporation of India in the South where notifications have been issued prohibiting engagement of contract labourers under Section 10(1) of CL (R and A) Act are entitled to be regularised and if so, from which date ?"

2. The main averments found in the claim statement filed by the petitioner union are as follows :

Food Corporation of India Labour Federation represents majority of the employees employed in the Food Storage depots of Food Corporation of India in the Southern Zone of India viz., Kerala, Andhra, Karnataka and Tamil Nadu States. In these food storage depots the work of handling food grains like loading and unloading, goes on by employing daily rated labour through contract labour co-operative societies or private contractors or by casual labour. Apart from loading and unloading, fumigation, sheet fumigation, cover fumigation, repacking, spillage collection, stitching, spraying, stock pressing, decasting, cleaning, sweeping and similar works are also carried out by engaging permanent workers as well as casual workers. The contract and casual workers were paid on piece rate basis by the private contractors or by the contract labour co-operative society. The workers are so employed in the last 15 to 20 years. Nature of work performed by these workmen is an integral part of the main work of Food Corporation of India, which is continuous. The workmen of certain depots through their unions filed a Writ petition before the Hon'ble Supreme Court praying for abolition of the contract labour system and on direction of the Hon'ble Supreme Court a committee was set up and based on the report of the said committee, contract labour system in the food storage depots was abolished. By a notification dated 28-2-90 employment of contract labour in any process, operation or work of handling of food grains in the food storage depots and godowns of Food Corporation of India, Avadi was abolished. Similarly notifications were issued on 1-11-90, 27-3-91, 23-6-91 and 30-12-91 in respect of some other storage depots of Food Corporation of India. The contract labour system in food storage

depots in North Zone of Haryana, Punjab, Uttar Pradesh and Rajasthan and North Eastern Zone, East Zone, West Zone including Madhya Pradesh, Maharashtra and Gujarat was also abolished by means of various notification. In the Northern, North Eastern and Western Zones immediately after abolition of contract labour system, the management of Food Corporation of India has entered into agreement with unions whereby the food storage depot and godowns were directly operated by the Food Corporation of India and the contract and casual labour hitherto employed in the food storage depots were departmentalised. The food storage depots at Vizag and at Egmore, Madras harbour have departmentalised the workers and the labourers are paid regular wages directly by the Food Corporation of India. As in the case of other depots in the other zones, the contract labour system in South Zone was also abolished by notifications dated 1-11-90, 31-12-90 and 27-3-91. The following are the food storage depots and godowns in respect of which this dispute has been raised.

Tamil Nadu	Andhra Pradesh	Kerala
M.G. Coplex, Tuticorin.	Kurnool	Cochin
Peelamedu	Ongole	FSD Angamaly
Tanjavur	Mahaboobnagar	Alleppey
Mannargudi	Rayanapudur	Mulakunathukavu
Tiruchirappalli	Machilipatnam	Machappinangad
Arakkonam	Karim Nagar	Nileshwar
Sevur	Jagthal	Valarthura
Madras Egmore,	Nandyal	Kazhakuttam
Avadi Salem,	Bodhan	Chalai
	Sarangapur	Olavakot
	Chetlapalli	Thikkodi
Karnataka		Kottayam
K.P.P.G.		Kuttiputram
White field		Ghalakudi
		Chalakudi
		Mavallikara
K.R. Nagar		Angadipuram
N. Gud		Avaneshwaram
Hubli		Karungapalli
		Quilon

The contract labour system in this depot and several sub-depots attached to them has been prohibited by the notification. After abolition of the contract labour system the respondent failed to absorb the erstwhile Contract Labour as a regular employee of Food Corporation of India. Even after abolition of contract labour system in these depots, the F.C.I. insisted that the work will be given to these workers only if they continue to be engaged by the labour contract Co-operative Society or the private contractors. The workmen agitated through their union in various ways for direct absorption by Food Corporation of India. Strike notice was also issued. An industrial dispute was raised by the F.C.I. Labour Federation before the Asst. Labour Commissioner (Central) on behalf of the workmen employed in food storage depots, in South on 15-11-91. The Food Corporation of India took stand that since it is a policy matter unless orders were received from headquarters, issue cannot be decided. In view of this the conciliation failed. The demand for regularisation of the services of the erstwhile contract workers is fully justified and they are entitled to be regularised in Food Corporation of India services with effect from the date of abolition of the contract labour system itself. The purpose of issue of notification under Section 10 of the Contract Labour (Regulation and Abolition) Act is that on such abolition the erstwhile Contract Labour should be absorbed as direct regular workmen of the Principal employer. As the work done by the Contract Labour was an integral and indispensable part of the main work of the Food Corporation of India and it was continuous and there was need for the continuance of the workmen the notification was issued. Hence the respondent management should have regularised the services of all the contract labour employed in the Food Storage depots as and when the notification was issued abolishing the contract labour system. The workers listed in the annexure as gang workers or casual workers has been

working in the Food Storage depots for 15 to 20 years. Since all these workmen are continuing in service for long period of years and their work is at permanent nature and essential to the main business of the respondent, the workmen are entitled to regularisation. The main ingredients for regular appointment viz., permanent nature of work and continuous work are present in this case. Since the respondent management has regularised and departmentalised the contract Labour in North Zone, North Eastern Zone, West Zone and some of the depots in the South, it is just and necessary that the services of the erstwhile casual labour employed in food storage depots, sale depots and godowns in Southern Zone covered under this reference also to be regularised. The petitioner-union prays to pass an award holding that the workmen employed in different depots, storage depots, of the Food Corporation of India in South are entitled to regularisation of their services from the date of notification.

3. The petitioner filed the claim statement on 7-1-94. Till 21-12-95 in spite of 16 adjournments the respondent did not file the counter and therefore respondent was set aside on 12-1-96. Therefore, respondent management filed M.A. 183/96 on 8-2-96 to set aside ex parte order, and the same was allowed on 25-11-96. Even thereafter till 24-2-97 the respondent did not file his counter in spite of several opportunities and therefore the respondent was set aside on 24-2-97.

4. On behalf of the petitioner-union Th. K. Narayanan, the Organiser of the South Zone of the petitioner-union has been examined as W-1 and Ex. W-1/series has been marked.

5. The point for consideration is : Whether the services of workmen employed in different Food Storage depots in Food Corporation of India, in the South where have been issued prohibited engagement of contract labourers under Section 10(1) of CL (R&A) Act are entitled to be regularised and if so from which date ?

6. The point—The petitioner-union has prayed for a direction to the respondent-management to departmentalise/regularise the several workmen who were hitherto employed as contract labour/casual labour in the various godowns at the respondent management in South India. The contention of the petitioner-union is that the Government of India has issued notification (W-1/series) prohibiting engagement of contract labour in the godowns and depots of the Food Corporation of India in which the operation/work of handling of foodgrains including their loading and unloading from any means of transport, storing, and stacking is carried on. According to the petitioner union, the nature of work is permanent in nature and all the workmen are employed for more than 15 to 20 years. A perusal of Ex. W-1/series would show that by a notification dt. 28-2-90 appropriate government i.e. Central Government has issued a notification prohibiting employment of contract labour at food storage depots and godowns of Food Corporation of India, Avadi in Tamil Nadu. By notifications dt. 1-11-90, Central Government has prohibited employment of contract labour in 62 godowns and depots of Food Corporation of India of which Sl. Nos. 30 to 50 belong to food storeroom depot in South India i.e. Kerala, Karnataka, and Tamilnadu. By a notification dated 31-12-90, the Central Government has prohibited employment of contract labour in the 26 godowns and depots of respondent management of which Sl. Nos. 1 to 3 are depots situated in Kerala and Sl. Nos. 10 to 17 are depots situated in Andhra Pradesh. According to the petitioner-union, even after the issue of notification u/s. 10(1) of the Contract Labour (Regulation and Abolition) Act, 1970 the respondent management is continuing such contract labour without their regularisation or departmentalisation. In a recent judgement reported in 1997 1 LLJ P 1113, AIR India Statutory Corp'n. Etc. Vs. United Labour Union & ORS. the Hon'ble Supreme Court has held as follows :

"Prior to the Act came into force, in the Standard Vacuum Refining Co. of India Vs. Its Workmen & Ors. (1960 11 LLJ 238) a Bench of the three judges of this Court held that the contract labour. On reference u/s. 10 of the I.D. Act was required to be regularised after the industrial dispute was adjudicated under Sec. 2(k). Since workmen had substantial interest in the dispute it was held that the direction issued by the Tribunal that the contract labour should be abolished was held just

in the circumstances of the case and should not be interfered with. In other words, this Court upheld the jurisdiction of this Tribunal after deciding the dispute as an industrial dispute and gave direction to abolish the contract labour. The power of the Court is not fettered by the absence of any statutory prohibition. In *Security Guards Board for Greater Bombay and Thane District Vs. Security & Personnel Services Pvt. Ltd., & Ors.* (1988 1 LLJ 146) SC the question as regards absorption of security guards employed in factory or establishment etc. under Maharashtra Private Security Guards (Regulation of Employment Welfare) Act, 1981 had come up for consideration. It was held that the exemption under Sec. 23 is in regard to the Security Guards employed in factory or establishment or in any class or classes of security guards who may be exempted from the operation of the Act is with the factory or establishment or class or classes of factories or establishment in which they work and not with the agency or agent through and by phone they were employed. In other words the ratio of that case is that it is not material as to through which contractor the employee came to be appointed or such labour came to be engaged in the establishment concerned. The direct relationship that emerged after the abolition of the contract labour. In *Shakar Mukherjee & Ors. Vs. Union of India & Ors.* (1990 11 LLJ 443) SC, the State Government exercising the power under Sec. 10 of the Act prohibited employment of contract labour in cleaning and stacking and other allied jobs, in brick department. Loading and unloading of bricks from wagons and trucks was not abolished. Writ petition under Article 32 under Constitution of India was filed. A Bench of three judges of this Court, had held that the Act requires to be construed liberally so as to effectuate, the object of the Act. The bricks transportation to the factory loading and unloading are continuous process, therefore all the jobs are incidental to or allied to each other. All the workmen performing these jobs were to be treated alike. Loading and unloading jobs and the other jobs were of perennial nature. Therefore there was no justification to exclude the job of loading and unloading the bricks from wagons and trucks from the purview of the notification dt. 9-2-1980. Thus this Court had given direction to abolish contract labour system and to absorb the employees working in loading and unloading of bricks which is of perennial nature. In *National Federation of Railway Porters, Vendors, bearers Vs. Union of India & Ors.* (1995 11 LLJ 712) a bench of two judges to which one of us (K. Ramaswamy J.) was a member, was to consider whether the railway parcel porters working in different railway stations were contract labour for several years. When they filed Writ petition, Central Assistant Labour Commissioner was directed to enquire and find out whether the job is of permanent and perennial in nature and whether the petitioner were working for a long period. On receipt of the report, with findings in favour of the workers, the bench had directed the railway administration to regularise them into the service. This case also is an authority for the proposition that in an appropriate case a Court can give suitable directions to the competent authority viz., Central Labour Commissioner to enquire and submit the report. The perennial nature of work and other related aspects are required to be complied with before directions are given under Sec. 10(1) and 10(2) of the Act. On receipt of the report, the Court could mould the relief in an appropriate manner to meet the given situation. In *Praga Tools case*, (supra) this Court held that mandamus may be issued to enforce duties and positive obligation of a public nature even though the persons or the authorities are not public officials or authorities. The same view was laid in *Anadi Mukta Vs. V. R. Rudani* 1981 11 LLJ 324, and *Unnikrishnan Vs. State of A. P.* 1993 1 SCC

645. In *Comptroller & Auditor General of India Vs. K. S. Jaganathan & Ors.* 1986 2 SCC 679, this Court held that mandamus could be issued to implement the directive principles when Government have adopted them. They are under public obligation to give preferential treatment implementing the rule of reservation under Articles 14 and 16(1) and (4) of the Constitution. In LIC case (supra) directions were issued to frame policies accessible to common man.

Thus we hold that though there is no express provision in the Act for absorption of employee whose contract labour system stood abolished by publication of the notification under Sec. 10(1) of the Act, in a proper case, the Court as Sentinel in the *qui vive* is required to direct the appropriate authority to act in accordance with law and submit a report to the Court and based thereon proper relief should be granted.

It is true that learned counsel for appellant had given alternative proposal but after going through its contents, we are of the view that the proposal would defect more often than not, the purpose of the Act and keep the workman at the whim of the establishment. The request of the learned solicitor General that the management may be left with their discretion so as to absorb the workmen in the best manner favourable to the workman cannot be accepted. In this behalf if it is necessary to recapitulate that on abolition of the Contract labour system, by necessary implication, the principal employer is under statutory obligation to absorb the contract labour. The linkage between the contractor and employee stood snapped and direct relationship stood restored between principal employer and the contract labour as its employees. Considered from this perspective all the workmen in respective services working on contract labour are required to be absorbed in the establishment of the appellant. Though there exists no specific scale of pay to be paid as regular employees, it is for establishment to take such steps as are necessary to prescribe scale of pay like Class B employees. There is no impediment in the way of the appellants to absorb them in the last grade namely grade IV employees on regular basis. It is seen that the criteria to abolish the contract labour system is the duration of the work, the number of employees working on the job etc. That would be the indicia to absorb the employees on regular basis in the respective services in the establishment. Therefore, the date of engagement will be the criteria to determine the inter se seniority. In case there would be any need for retrenchment of any excess staff, necessarily, the principle of "last come first go" should be applied subject to reappointment as and when the vacancy arises. Therefore, there is no impediment in the way of the appellants to adopt the above procedure. The award proceedings as suggested in Gujarat Electricity Board case (supra) are beset with several incongruities and obstacles in the way of contract labour for immediate absorption. Since the contract labour gets into the service of the principal employer, the union of the existing employees may not espouse their cause, for reference u/s. 10 of the I.D. Act. The workmen who on abolition of Contract Labour System have no right to seek reference u/s. 10 of the I.D. Act. Moreover the workmen immediately are kept out of job to endlessly keep waiting for award and thereafter resulting in further litigation and delay in enforcement. The management would always keep them at bay for absorption. It would be difficult for them to work out their right. Moreover, it is the tardy and time consuming process and years would roll by. Without wages they cannot keep fighting their litigation endlessly. The right and remedy would be a teasing illusion and would be rendered otiose and practically compelling the

workman at the mercy of the principal employer. Considered from this pragmatic perspective, due respect to the learned judges, the remedy carved out in the Gujarat Electricity Board Case (supra) would be unsatisfactory. The shortcomings were not brought to the attention of this Court. So, that part of the direction in Gujarat Electricity Board case (supra) is not, with due respect to the bench correct in law. The Dena Nath's case (Supra) has not correctly laid down the law. Therefore, it stands overruled. Moreover the Bombay High Court has correctly held that the High Court under Article 226 of the Constitution would direct the principal employer to absorb the contract labour after its abolition even though some of the contracts have violated u/s. 12 of the Act and the appellants have violated Sec. 7 of the Act."

In I.D. 39/92, following the judgement of the Hon'ble Apex Court referred above this Tribunal has already held that the respondent management should regulate the contract labourers engaged through a cooperative society and failure to regularise them is not justified. In this case also, the respondent management is not justified in continuing the practice of contract labour in operation in spite of the various notifications issued by the appropriate Government. The result of abolition of contract labour is that such labour should be absorbed as the regular employees of the management. Therefore, the services of workmen employed in different food storage depots of the Food Corporation of India in South India where notification have been issued prohibiting engagement of contract labour u/s. 10(1) of the Contract Labour (Regulation and Abolition) Act, are entitled to be regularised, from the date of notification concerning each depot. Award passed. No costs.

Dated, this the 29th day of July, 1998.

S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For Petitioner/workman :

W.W.1 : Thiru K. Narayanan.

For Respondent/management : None.

DOCUMENTS MARKED

For Petitioner-workman :

W-1/Serials.—Notification abolishing Contract Labour in South Zone (xerox).

For Respondent-management : Nil.

नई दिल्ली, 11 नवम्बर, 1998

का.प्र. 2570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एल-22012/376/96-आईआर (सी-II)]

वी.के. राजन, ईसक अधिकारी

New Delhi, the 11th November, 1998

S.O. 2570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure. In the industrial dispute between the employers in relation to the management of N.C. Ltd and their workman, which was received by the Central Government on the 9-11-98.

[No. L-22012/376/96-IR(C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR, U.P. 208005.

Industrial Dispute No. 172 of 1997
In the matter of dispute between :

Chairman-cum-Managing Director, North Coalfield Limited, Singrauli, Sindhi, MP.

And

Mohd. Mushtaq son of Sri Mohammad Ishaq r/o Mohalla Pheelkhana, B-9/26, Bhilupur, Post Bhelupur, District Varanasi.

AWARD

1. Central Government Ministry of Labour vide notification No. L-22012/376/96-I.R. (B-II) dated 3-9-97, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management NCL Singrauli in dismissing Sh. Mohd Mushtaq Driver Cat-V from service is legal and justified? If not to what relief is the workman entitled and from which date?

2. The concerned workman Mohd. Mushtaq was working as driver at Khadil Project of the opposite party Northern Coal Field Limited, Singrauli. He was issued a chargesheet dated 30-8-86 which runs as under—

That on 30-8-86 at about 12.00 noon while Sri H. P. Gupta General Manager, was coming towards office in his car No. UPZ 3323 Sri Mohd. Mushtaq came in front of the car and tried to stop the car on the main road. However, Sri H. P. Gupta managed to move towards the office in the car but as the main gate of the office was closed he stopped the car at the main gate got down and came inside through the main side gate. Sri Mohd. Mushtaq, chased Sri H. P. Gupta alongwith Ram Dularey and Ram Seth and caught hold Sri H. P. Gupta from his collar by left hand and assaulted him with right hand due to which Sri H. P. Gupta sustained scratch injury of about 2-1/2" and bleeding in the collar bone surface. In the mean time S/Sri Harendra Kumar Armed Guard, Ram Brish, Ram Arm Guard, K. K. Sharma caught hold of Sri Mohd. Mushtaq and saved Sri H. P. Gupta from further assault.

3. According to this chargesheet the concerned workman had assaulted Sri H. P. Gupta, General Manager, while he was coming to office in his car. One T. P. Singh an officer of the opposite party was appointed enquiry officer after completing enquiry he submitted his report dated 27-10-86. On the basis of this report the disciplinary authority had awarded punishment by way of dismissal by order dated 3-11-86. It will not be out of place to mention that criminal case was also launched in this very matter and ultimately Munsif Magistrate Sonbhadra by his judgment and order dated 4-9-92 acquitted the concerned workman and others. Any way the concerned workman feeling aggrieved has raised the instant industrial dispute. Inter alia it was alleged that enquiry was not fairly and properly held, whereas management has maintained that enquiry was fairly and properly held.

4. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 24-3-97 this tribunal held that enquiry was fairly and properly held. After that parties were heard on the quantum of punishment. During the course of arguments the authorised representative of the workman has argued that the concerned workman had actually not committed this misconduct and that he has been falsely implicated. The tribunal informed the representatives that this matter cannot be looked into having held that enquiry was fairly and properly held. Regarding proportionality of punishment he said nothing except that lenient view may be taken. On the other hand the auth. representa-

tive of the management has referred to the case of M/s. Triveni Structural Limited, Allahabad Versus State of U.P. 1997 (94) 186. This case related to assault Hon'ble High Court had held that dismissal was the adequate punishment which was warranted in such case. Thus, following the authority, it comes to the conclusion that in the instant case the punishment as avoid to the concerned workman by way of dismissal is commensurate to his misconduct of assault of the General Manager. Consequently, my award is that punishment awarded to the concerned workman is justified and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ई. सी. एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम प्रासनकोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[बं. एल.-22012/492/96-आई आर (सी-II)]

वी. के. राजन, डेस्क अधिकारी

New Delhi, the 11th November, 1998

S.O. 2571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on the 9-11-98.

[No L-22012/492/96-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 49/98.

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Shankarpur Colliery of M/s. E. C. Ltd.

AND

Their Workman;

APPEARANCES :

For the Employer,—None.

For the Workman,—None.

INDUSTRY : Coal;

STATE : West Bengal.

Dated, the 26th October, 1998

AWARD.

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1), and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Government of India Ministry of Labour's Order No. L-22012/492/96-IR (C-II), dated 8-9-98.

Whether the action of the management of Shankarpur Colliery of M/s. E. C. Ltd. justified in refusing

employment to Smt. Badna Devi alias Kallayani Kattayani Devi W/o. Late Shankar Yadav, Ex-Security Guard as legal heir? If not, to what relief she is entitled?"

2. The General Secretary of the union informs in writing that they are no more interested with the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1998

का.आ. 2572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ई. सी. एल. के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम प्रासनकोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[बं. एल.-22012/553/96-आई आर (सी-II)]

वी. के. राजन, डेस्क अधिकारी

New Delhi, the 11th November, 1998

S.O. 2572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E. C. Ltd. and their workman, which was received by the Central Government on the 9-11-98.

[No. L-22012/553/96-IR (C-II)]

V. K. RAJAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL
REFERENCE NO. 50/97

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Satgram(R)

Colliery of M/s. E. C. Ltd.

AND

Their Workman

APPEARANCES :

For the Employer—Shri P. K. Das, Advocate.

For the Workman—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated the 26th October, 1998

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Govt. of India Ministry of Labour's Order No. L-22012/553/96-IR (C-II)

dated 11/15-7-97.

"Whether the action of the management of Satgram(R) Colliery of ECL in not retreating the age dispute of Sh. Bishwanath Ahir, CCM Driver, to the Apex Medical Board as per I.I. No. 76 of JBCCI is legal

and justified? If not, to what relief is the workman entitled?"

2. The union prays in writing to withdraw the dispute.
3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1998

वा.अ. 2573-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ़ इण्डिया, आगरा के प्रबंधक के संबंधित तथ्यों और उनके समर्थकों के बीच, प्रबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रेषित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एन-12012/176/95-साईंशर बी-2/बी-II]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th November, 1998

S.O. 2573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Agra and their workman, which was received by the Central Government on 9-11-98.

[No. L-12012/176/95/IR B-2/B.I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 124 of 1996

In the matter of dispute between:

Sri Jayanti Prasad
C/o V. K. Gupta 2/363 Namnar Agra

AND

Dy. General Manager
SBI Zonal Office Sanjal Place
Agra.

APPEARANCE:

V. K. Gupta—for the workman and
S. N. Sharma—for the Bank.

AWARD

1. Central Government Ministry of Labour vide notification no. L-12012/176/95/IR B-2 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of India Agra in dismissing the services of Shri Jayanti Prasad clerk-cum-cashier, State Bank of India, Aligarh w.e.f.

30-12-93 is legal and justified? If not to what relief he is entitled to?

2. Some times in the year 1990 some frauds were committed at P.B. Branch of the opposite party State Bank of India at Aligarh in saving bank account. The matter was investigated by one J. C. Mehrotra M.W.2 an officer of the bank. It was found that account of Ashok Kumar bearing SB A/c no. 46898 and Mahendra Pal A/c no. 47107 were opened in suspicious manner and by the above mentioned fraud P.K. Seth clerk-cum-cashier, P.K. Jain, JMGS, IIR, P. Singh JMGS I and Jayanti Prasad clerk-cum-cashier were found involved. On the basis of this report the concerned workman was issued a chargesheet Ext. M-3 dated 1-4-91 the copy of which is attached herewith. It comprised of 8 charges. One V. S. Pundarik was appointed enquiry officer. He submitted this report. On the basis of this report the concerned workman was dismissed from service vide order dated 23-12-98, appeal was also dismissed. Thereafter the concerned workman had raised the instant industrial dispute.

3. In the claim statement fairness and propriety of domestic enquiry was challenged on a variety of ground which fact was denied by the management, hence a preliminary issue was framed regarding fairness and propriety of domestic enquiry. It was found that while recording finding on various issues the enquiry officer had actively relied upon the report of J. C. Mehrotra, investigating officer. As its copy was not given to the concerned workman during the course of enquiry in view of case of State Bank of India Versus G. C. Agarwal, 1992 Lab IC 2585 in which it was held that that enquiry was not fairly and properly held. Thereafter the management was given proper opportunity to prove the misconduct on merits. Subsequently the management examined branch Manager Hardaval M.W.1 and further investigating officer J. C. Mehrotra M.W.2 besides the management has relied upon Ext. M-1 to M-30 which comprises of enquiry proceedings as well as extracts of accounts book. In rebuttal the concerned workman Jayanti Prasad himself examined. It will be seen as to how far the management has been able to prove the charges.

4. Charge no. 1 relates to posting of fictitious credit entries of Rs 9000 and Rs. 45000 on 3-8-1990 and 13-8-1990 in the saving bank account of Ashok Kumar without supporting any credit vouchers the concerned workman has admitted that these two entries were made by him. However his case is that they were supported by credit vouchers. Hardaval M.W.1 in his evidence has stated that he has gone through the written statement and its facts are proved. In this way he has proved that these two entries were without the support of credit vouchers. It has further been sought to be proved from the Cash Serial register in which the particulars of this entries are missing. On the other hand the concerned workman Jayanti Prasad M.W.1 has stated that these entries were supported by vouchers and their entries is to be found in transfer voucher book. The management has not filed this transfer voucher book on the ground that it has been weeded out. Anyhow no evidence has been given to prove this fact. In its absence I am inclined to infer that had this transfer voucher book been filed that would have established the case of the concerned

workman. Apart from this these two entries have also been authenticated by an officer of the bank. In view of this overwhelming evidence, I accept the version of the concerned workman and hold that these two entries were supported by credit vouchers. As such charge no. 1 is not proved.

5. Charge no. 2 relates to making of two fake entries of Rs. 53000 and 40000 on 5-9-90 and 7-9-90 in the account of Ashok Kumar in the ledger which was in the custody of concerned workman. Hardayal M.W.1 had stated that these two entries were not made by him. The authorised representative of the bank has sought to prove this fact by showing that on that day the concerned workman had posted the cheque of Rs. 38,000/-. In other words the concerned workman was present at the counter. Further Jayanti Prasad in his affidavit Ext. W-19 has admitted this fact. I have gone through the affidavit of Jayanti Prasad Ext. 19 on record and find that he has specifically denied this fact. However, the concerned workman had not disputed that he had passed the cheque of Rs. 38,000/- on that very day and that he was present at his counter. Regarding the explanation as to how those entries came to be entered in the ledger of which he was the custodian. His authorised representative had submitted that such ledgers are kept lying on the counters and fellow members of sub-staff has easy access. Some times members of the sub staff who have to help their own customers do make entries in their own handwriting and the actual custodian of the ledger does not dispute it. In my opinion, if there is such practice it will not exonerate the concerned workman from the liability. Any how I am of the opinion that the concerned workman would not have done it. Instead members of the staff who was interested in helping Ashok Kumar would have done it. In this regard the role of P. K. Seth cannot be ruled out, who had actually introduced the customer. Investigating officer has also found his role suspicious in this regard. My impression in this regard is further strengthened from the charge no. 2 itself. It does not say that the concerned workman had posted these two fake credit entries. Instead charge is that these entries were posted while the ledger was in the custody of the concerned workman. Still I am of the opinion, that the concerned workman who was custodian of this ledger ought to have brought to the notice of higher authority if some one would have made these two fictitious entries. In this was my finding is that the concerned workman had not done it, still he is constructively liable for it as he was the custodian of the ledger.

6. Charge no. 3 relates to postings of 10 cheques in the account of Ashok Kumar without verifying the genuineness of fictitious credit entries. The concerned workman has alleged that two entries dated 18-8-90 in respect of cheque for Rs. 8000 and Rs. 12000 are not in his hand. Instead they have been made by Shyam Babu. Rest of the 8 entries have been made by him. Hardayal M.W.1 has not specifically stated that these entries were made without verifying the genuineness of credit entries. However, the concerned workman in his affidavit Ext. M.19 and before me has stated that the officer had authenticated these entries. There is no proper rebuttal of this evidence. Hence, I come to the conclusion that as officer had authenticated this 8 entries there is no fault of the concerned workman. Hence this charge is also not proved.

7. Charge no. 4. In this regard the version of the ou that day the concerned workman was present at management is that the concerned workman had posted two cheque entries of Rs. 10000 and 20000 on 11-9-90 and 12-9-90 in SB Account of Mahendra Pal Sharma without verifying the genuineness of credit entries of Rs. 90000. The concerned workman does not deny having made these two entries. However, his version is that he had not made credit entry of Rs. 9000 on 23-8-90 as on that day he was not even on duty. The concerned workman had stated that on 23-8-90 he had gone to Agra on duty and was not performing duty at Aligarh. When the attention of Hardayal M.W.1 was invited to this fact in his cross examination he pleaded ignorance. Thus the evidence of Jayanti Prasad in this regard is un rebutted. Had it been on duty on 23-8-90 he would have been responsible for this posting as well in the fashion as found in charge no. 2. If the stand of the concerned workman was wrong they could have very well submitted the attendance register to show that the concerned workman was present on that day. In its absence it is held that the concerned workman was not on duty on 23-8-90, hence he could not have made fictitious credit entry of Rs. 90,000/-. As such this charge is not proved against the concerned workman.

8. Charge no. 5 relates to posting of fake credit entry on 23-1-90 in the saving account of Smt. Poonam and Y. P. Chauhan. In this regard concerned workman has stated these entry was made by him due to clerical mistake. Actually this ought to have been deposited in saving bank account no. 44205 whereas by mistake it was deposited in saving bank account no. 44200 Later on checking officer had rectified this mistake after detection. This fact has not been denied by Hardayal M.W.1 Hence I accept the explanation of the concerned workman that these entries were made due to clerical mistake and there was no mala fide intention.

9. Sixth charge relates to making fictitious entries in the account of Smt. Tripta Jhingaran without any credit voucher. To rebut this charge the concerned workman Jayanti Prasad has stated that these entries had not been made by him. Instead Smt. Tripta Jhingaran herself had done so as she was member of staff she made entry and did not raise any objection. In his cross examination he has admitted that during the period of making of these entries he was ledger keeper. He did not raise any objection of making of a entries by Smt. Tripta Jhingaran who was posted at this very branch. There is no denial of this fact by Hardayal M.W.1. Hence my finding is that concerned workman had not made this credit entries. Instead Smt. Tripta Jhingaran had done so. Still as he was custodian of the ledger he is constructively liable for making this fake entries. The concerned workman had no mala fide intention in this regard.

10. Charge no. 7 relates to various deposit made by the concerned workman in his account books which are said to be in excess of his known source of income. In this regard the concerned workman had stated that he had taken money from his real brother in-law Mohan Lal which was later on returned. Any how the burden lay with the management and they had not adduced any evidence on this point. Hence this charge is not proved.

11. Thus from the above review charge no. 2 and 6 are proved to the extent that the concerned workman

is constructively responsible. He had no mala fide intention and he was not financially gain full in this regard. Charge no. 5 is also established to the extent that the concerned workman had made wrong entry due to clerical mistake.

12. As regards quantum of punishment the management has filed a list of officer and official who were awarded punishment after enquiry for the various lapses. I find that 7 officers were awarded punishment by way of warning. Jayanti Prasad was awarded punishment of dismissal, P. K. Seth clerk-cum-cashier has been awarded punishment by way of stoppage of increment for six months. Smt. Mamta Sapra has been awarded punishment by way of warning. R. K. Saxena clerk-cum-cashier has been exonerated. Thus there has been no coherence in inflicting punishment. The concerned workman has been awarded punishment of extreme penalty. We have found that the concerned workman is constructively liable on two counts he had no direct role in it, still one charge relates to negligence. I think for this extreme penalty of dismissal is disproportionate punishment and is also discriminatory. Having regard to all aspect of the case, I think denial of 1/4 wages of back wages would suffice to meet the ends of justice for these three established misconduct.

13. In view of above discussion my award is that dismissal of the concerned workman is not justified, he will be entitled for reinstatement with three fourth back wages, still he will be deprived of 1/4th of back wages by way of punishment.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1998

का.आ. 2574-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार सभापति वस्ती ग्रामीण बैंक के प्रबन्धन के संबंध नियोजकों और उनके वर्गकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, वानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था।

[सं. एन-12012/200/95-आईआर (बी-3)/बी-1]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th November 1998

SO. 5774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sahbapati Basti Gramin Bank and their workman, which was received by the Central Government on the 9-11-1998.

[No. L-12012/200/95-IR. (B-3)/B 1.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT PANDU NAGAR,
KANPUR

Industrial Dispute No. 41 of 1997

In the matter of dispute between :

President Basti Gramin Bank Staff Association
Basti Gramin Bank Post Barayava Thakar District
Basti U.P.

AND

Sahbapati Basti Gramin Bank
Basti U.P.

Appearance Mahesh Chandra for the Bank and Raju
Orwal for the Union.

AWARD

1. Central Government, Ministry of Labour vide notification no. L-12012/200/95-IR. (B-3) dated 7-2-1991 has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Basti Gramin Bank in denying the promotion to Sri Avniendra Kumar Shukla as Senior Clerk is legal and justified? If not to what relief the workman is entitled?"

2. The case of the concerned workman, Avniendra Kumar Shukla is that he was engaged as clerk cum cashier on 22-10-1991 by the opposite party basti Gramin Bank. He is a leading trade union worker. Because of this the management was prejudice. He was due for promotion as senior clerk despite that the management bank served wrong memos upon the concerned workman and thereby deprived him to the promotion. Junior to him like Dhruv Raj Singh have been promoted hence he is entitled for the post of senior clerk cum cashier w.e.f. 30-6-1986.

3. The opposite party bank has filed reply in which it has been denied that the management was prejudiced in any way against the concerned workman. That interview of the concerned workman had taken place and he was not found fit. Further the matter is highly belated.

4. In the rejoinder nothing new has been alleged.

5. The concerned workman Avniendra Kumar Shukla has stated that no test had taken place but he was not given opportunity. On the other hand Rajesh Singh M.W.U has stated that suitability test of the concerned workman had taken place but he was not found fit. In this regard papers have also been filed. Thus it is obvious that the case of the concerned workman was examined and he was not found suitable. On the basis of this unsuitability if junior to him have been promoted it would not have create any right in favour of the concerned workman. The auth representative of the concerned workman has referred to the case of Shitla Prasad versus Union of India 1994 Lab IC 313 in which the principle for selection was pointed out where criteria was seniority cum-suitability. It was alleged that juniors with more merits could not supersede seniors. It may be mentioned that hon'ble Supreme Court had interfered with this matter in the writ jurisdiction whereas this tribunal within the para metres of Industrial Dispute Act has no right to substitute its finding in place of selection committee unless and until the action of the selection committee is mala fide. This tribunal has no jurisdiction to examine the action of the selection committee in any manner hence in the instant case there has been no flaw in holding the test secondly this tribunal has no jurisdiction to look into it. It is not based on mala fide.

6. Even if the claim of the workman would have been correct this tribunal would have not interfered with it as question of seniority could not be allowed to be reopened after lapse of 7 to 8 years as it would disturb the harmony in the functioning of the bank. In the end my award is that the denial of promotion to the concerned workman by the bank is justified and the workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 नवम्बर, 1998

का.आ. 2575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया बरेली, के प्रबंधक के संबंध नियोक्ताओं और उनके कर्मचारियों के बीच, अनवधान में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवक्ता, काठपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-98 को प्राप्त हुआ था।

[एल-12012/273/93-आई आर (बी.-I)
पी. जे. माईकल, डेस्क अधिवक्ता]

New Delhi, the 10th November, 1998

S.O. 2575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Bareilly and their workman, which was received by the Central Government on 9-11-1998.

[No. L-12012/273/93-IR (B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
208005

Industrial Dispute No. 35 of 1994

Industrial Dispute Between :

Jagat Singh Negi
S/o L. J. N. Negi
Jalapur Awas Vikas Colony Bhiriya Parao
Haldwani District Nainital

AND

Assistant Manager Region III Zonal Office
State Bank of India, 148, Civil Lines, Bareilly.

APPEARANCE :

V. K. Gupta for the workman and E. N. Sharma for the Bank.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/273/93-IR B-I dated 30-3-94 has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the management of State Bank of India in discharging Sri Jagat Singh Negi from service is legal and justified? If not, to what relief the workman is entitled?"

2. There is no dispute that the concerned workman Jagat Singh Negi was working as Messenger at Shahabad Branch of the opposite party State Bank of India. He was issued a chargesheet dated 14-10-1987, copy enclosed as annexure-A. Earlier one R. N. Agrawal was appointed enquiry officer. On his transfer G. G. Pushp was appointed as enquiry officer. On the basis of the report of the enquiry officer the concerned workman was discharged from service by order, dated 20-7-92. Feeling aggrieved the concerned workman raised the instant industrial dispute.

2. In the claim statement it was alleged that he had not committed any misconduct as formulated in chargesheet. The enquiry was not fairly and properly held against him. On the other hand the management maintained that enquiry was properly held. In view of above pleadings a preliminary issue regarding fairness and propriety of domestic

enquiry was framed vide finding dated 17-12-97. It was held that enquiry was not held fairly and properly inasmuch as case was not proved by adducing any oral evidence to prove the documents which were relied upon by the management. Thereafter the management was given opportunity to prove misconduct on merits.

4. In support of their case the management examined retired branch manager R.A. Agrawal M.W. ' beside Ext. M1 to M-28 were filed. In rebuttal the concerned workman Jagat Singh Negi examined himself as W.W.1. Further he had relied upon five documents.

5. From a perusal of charges it will be evident that first three charges relates to incident which took place on 21-10-1986. The first charge is regarding refusal of the order of branch manager for carrying deposit and payment voucher of transfer. The second relate to misbehaviour with branch manager at 1.30 p.m. and the third relates to refusal to take memo. Sri Jagat Singh Negi has stated that in respect of all these memos meeting had taken place on 5-12-86 between the office bearers of Union and Regional Manager and Branch Manager and it was agreed that all previous memo will be annualled. There is no denial of this fact, the copy of understanding the misconduct of all these three charges stood condoned. Hence the concerned workman could not subsequently be chargesheeted for these three misconducts.

6. As regards charge no. 4 it relates to an incident on 17-1-87 at about 10.15 a.m. that the concerned workman had refused to carry accounts book on the request of Hemand Kumar and a number of staff further making assault on Baburam another employee. In this regard branch manager R. A. Agrawal M.W.1 has specifically stated that this incident has taken place in his presence. The concerned workman had entered into the witness box and has not denied it. Hence I come to the conclusion that this charge is proved.

7. Charge Nos. 5 and 6 relate to wrongful claim of T.A. on transfer and excess claim of LTC amount. Once again R. A. Agrawal the then branch manager had stated that the concerned workman was guilty of this misconduct on the other hand the concerned workman Jagat Singh W.W.1 had stated that he had actually carried the luggage on transfer by the truck as specified and further he had actually under taken journey. In my opinion, in this regard the evidence of R. A. Agrawal was not enough. Any one from the side of carrier service who is alleged to have taken the luggage of the concerned workman and whose vehicle was used for LTC should have been examined. Hence I come to the conclusion that these two charges are also not proved.

8. From the above discussion it will be evident that only charge No. 4 regarding misbehaviour and assault remains. I noted that the concerned workman is in the evening of his service career it will be too harsh to inflict punishment of discharge for this misconduct specially this punishment was imposed taking the totality of misconduct in respect of all the 6 charges. I think that interest of justice will be served by denial of half back wages.

9. In view of above discussion my award is that the discharge from the service of the concerned workman is bad and he will be entitled for reinstatement with half back wages and the remaining half wages are denied by way of punishment for misconduct committed in charge No. 4.

B. K. SRIVASTAVA, Presiding Officer

(व्यक्तिगत एवं गोपनीय)

श्री बगत सिंह नेगी (निलम्बित)

भारतीय स्टेट बैंक, शाहबाद (रामपुर)

आरोप पत्र

कृपया कारण बतायें कि आपके द्वारा (रामपुर) शाखा में नियुक्ति के दौरान किये गये निम्न किसी एक या अधिक

कथित अवधार के लिये आपके विरुद्ध क्यों न अनुशासनात्मक कार्यवाही की जाए :—

1. दिनांक 21-10-86 को शाखा प्रबंधक, शाहबाद के प्रातः लगभग 10.00 बजे आपको आदेश दिया कि आप सरकारी जमा एवं भुगतान के बाउचर उपकोषागार, शाहबाद को पहुंचा कर आयें। आपके शाखा प्रबंधक के उक्त आदेश का पालन नहीं किया गया सम्बन्धित बक्सा जिसमें रखकर उपरोक्त बाउचर जाने थे। लाकर शाखा प्रबंधक की मंजूर पर जोर से पटक दिया। अनन्तः उपरोक्त कार्य के लिये श्री सोहनसिंह को भेजना की एवं अपने वरिष्ठ अधिकारियों के वैद्य तथा युक्तिसंगत आदेशों की जानबूझकर अवज्ञा की।

2. दिनांक 21-10-86 को उपरान्त लगभग 1.30 आप शाखा प्रबंधक के कक्ष में गये तथा शाखा प्रबंधक से शिष्ट का बक्सा तुम्हारे सर पर दे माऊंगा और बैंक की सबियां छीन कर भाग जाऊंगा और तुम मेरा कुछ नहीं कर पाओगे/इस प्रकार आपने शाखा के वरिष्ठ अधिकारियों के साथ अभद्र व्यवहार किया।

3. दिनांक 21-10-86 के आपने शाखा प्रबंधक द्वारा आपको संबोधित किया गया ज्ञापन संख्या 21/722 दिनांकित 21-10-86 लेने से इंकार कर दिया। इस प्रकार आपने वरिष्ठ अधिकारियों के वैद्य तथा युक्तिसंगत आदेशों की जान बूझ कर अवज्ञा की।

4. दिनांक 17-1-87 को प्रातः लगभग 10.15 पर श्री हेमन्त कुमार लिपिक रोकड़िया ने शाखा समाशोधन खाते का वितरण बनाने हेतु आपसे शेड्यूल नम्बर 4 एवं 7 की किताबें लाने के लिये कहा आपने उपरोक्त पुस्तकें लाने से मना करते हुये कहा आर. एम./सी.आर. एम. से पुस्तकें लाने से मना करते हुये मार्गी में कोई तुम्हारे बाप का नौकर हूं जब श्री बाबू राम लिपिक उनके भी उपरोक्त पुस्तकें लाने से मान करते हुये कहा आर. एम. से निकलवाने जिससे तुम शिकायत करते हो। मैं तुम्हारा कोई नौकर हूं साला मुझ से काम के लिए कहता हूं। मुझसे तो अफसर भी नहीं कह सकता। पता नहीं मैंने तुम जैसे बाबूओं को क्या अफसरों को भी ठीक कर दिया है। तुम्हारी तो क्या हिम्मत है। जब श्री बाबू राम संबंधित उपरोक्त घटना से संबंध में लगभग 10.45 पर शाखा प्रबंधक के कक्ष में गये आप भी शाखा प्रबंधक के कक्ष में घुस गये तथा श्री बाबू राम अशिष्ट भाषा का प्रयोग करते हुए मारना पीटना शुरू कर दिया। मारपीट करते हुए आने श्री बाबू राम से कहा, आज तुझे मैं नहीं छोड़ूंगा। मेरा तुम क्या बिगाड़ सकते हो। इस प्रकार आपने अपने वरिष्ठ कर्मचारियों के वैद्य तथा युक्तिसंगत आदेशों की जाने बूझ कर अवज्ञा की, कार्य निष्पादन में जानबूझ कर उपेक्षा की एवं बैंक परिसर में शाखा के कर्मचारियों के साथ उपद्रवी एवं अभद्र व्यवहार किया।

5. आपने अपने हल्दानी शाखा से शाहबाद शाखा को स्थानांतरण से संबंध में रु. 656- के यात्रा बिल का भुगतान दिनांक 11-2-87 को शाहबाद शाखा में लिया। आपने उपरोक्त

यात्रा बिल में आपने अपना घरेलू सामान दिनांक 9-6-86 को ट्रक नंबर यू. आर. एन. 847 द्वारा हल्दानी से शाखा शाहबाद लाया गया तथा रुपया 350/- का उपरोक्त ट्रक के किराये के रूप में भुगतान करना दर्शाया है, तथा आपने यात्रा बिल के साथ इंडिया व गुड्स ट्रांसपोर्ट कम्पनी रेलवे बाजार, हल्दानी की रसीद संख्या 1199 दिनांकित 9-6-86 ट्रक नम्बर 847 रुपया 350/- संलग्न की है। अब यह बैंक की जानकारी में आया है कि आप न तो उपरोक्त ट्रक द्वारा अपने सामान शाहबाद लाये तथा न ही आपने रु. 350/- को उपरोक्त ट्रक के भाड़े के रूप में भुगतान किया। इस प्रकार आपने बैंक से कपटपूर्ण ढंग से उपरोक्त यात्रा बिल का भुगतान दिनांक 11-2-87 को प्राप्त किया।

6. आपने दिनांक 6-12-86 को शाहबाद शाखा से छुट्टी किराया सुविधा के अन्तर्गत दिनांक 26-5-86 से दिनांक 8-6-86 के मध्य केदारनाथ व बद्रीनाथ आदि की यात्रा से संबंधित जाने यात्रा बिल का रु. 5410.40 का भुगतान लिया। उपरोक्त यात्रा बिल में आपने रामपुर से बद्रीनाथ जाने की तथा बद्रीनाथ से वापिस रामपुर आने की यात्रा बस नम्बर यू. आर. एन. 9424 द्वारा करनातवी उपरोक्त यात्रा के संबंध में परिवार के 8 1/2 सदस्यों के यात्रा किराये के रूप में रु. 5100/- का यात्रा भुगतान करना दर्शाया है। अब यह बैंक की जानकारी में आया है कि न तो आपने बस नम्बर यू. आर. एन. 9424 द्वारा उपरोक्त यात्रा की तथा न ही रु. 5100/- का यात्रा किराये के रूप में भुगतान किया इस प्रकार आपने बैंक से कपटपूर्ण ढंग से उपरोक्त यात्रा बिल का भुगतान दिनांक 6-12-86 को प्राप्त किया।

7 अतः आप निम्न कृत्यों के लिये आरोपित है :—

- अ. अपने वरिष्ठ में जानबूझकर उपेक्षा करना
- ब. अपने वरिष्ठ अधिकारियों के वैद्य तथा युक्तिसंगत आदेशों की जान बूझकर अवज्ञा
- स. शाखा के कर्मचारियों तथा वरिष्ठ अधिकारियों के साथ उपद्रवी एवं अभद्र व्यवहार करना।
- द. बैंक के नियमों का उल्लंघन करते हुए तथा बैंक से हितों पर प्रतिकूल प्रभाव डालते हुए यात्रा बिलों का बैंक से कपटपूर्ण ढंग से भुगतान लेना।

8. अपने द्वारा किये गये उपरोक्त कृत्य आपके चरित्र एवं सत्यनिष्ठा को गंभीर रूप से लांछित करते हैं एवं शास्त्री एवार्ड के पैरा 521(4) के प्रावधानों जिन्हें देसाई एवार्ड में भी बनाये रखा गया है के तहत घोर अपराध है तथा सिद्ध होने पर शास्त्री एवार्ड के पैरा 521(5) के प्रावधानों को आर्कषित करेंगे।

9. उक्त आरोपों का जवाब इस आरोप पत्र की आपके द्वारा प्राप्ति से सात दिन अन्तर अज्ञोहस्ताक्षरकर्ता के विचारार्थ भेजने हेतु शाखा प्रबंधक, शास्त्री एवार्ड स्टेट बैंक साहबाद के पाम पहुंच जाना चाहिए। अन्यथा यह माना जायेगा कि आपके बचाव में कुछ नहीं कहना है और मामले में उचित कार्यवाही बिना आपकी उल्लेख किये पर दी जायेगी।

10. कृपया आरोप पत्र की पावती संलग्न प्रतिलिपि में देकर इसे लौटाये ।

क्षेत्रीय प्रबंधक,

क्षेत्र तृतीय,

अनुशासनात्मक अधिकारी ।

नई दिल्ली, 10 नवम्बर, 1998

का.आ. 2576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्टन रेलवे इलाहाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-98 को प्राप्त हुआ था ।

[सं. एल-41012/01/96-आई.आर. (बी I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th November, 1998

S.O. 2576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Allahabad and their workman, which was received by the Central Government on 9-11-1998.

[No. L-41012-01/96-IR(B)/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 69 of 1997

In the matter of dispute between :

D. K. Jha,
Karyakarmi Adhikshya,
All India Railway Employees Confederation,
181/6, Shastri Nagar, Kanpur.

AND

Divisional Railway Manager,
Northern Railway,
Allahabad Division,
Allahabad.

APPEARANCE :

Shri D. K. Jha, for the workman.

Shri Rameshwar Dayal for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/01/96-I.R.(B) dated 25-4-97 has referred the following dispute for adjudication to this Tribunal :

"Kya Mandal Rail Prabandhak Uttar Railway Allahabad Dwara Ram Adhar S/o Ram Nath ko Lohar Fitter Ka Padnam Wa Vetanman Na Dena Nayochit Aur Vaidhanik Hai ? Yadi Nahi to Sambandhit Karmkar Kis Anutosh ka Haqdar Hai ?"

2. The case of the concerned workman Ram Adhar is that he was engaged as a Casual Labour on 20-5-72 under Asstt. Engineer Head Quarter Northern Railway Kanpur and was working with I.O.W. However from the very beginning

work was taken from him that of skilled workman. He was made unskilled worker w.e.f. 28-12-80. His main grievance is that as he has been doing the work of Blacksmith and Fitter he is entitled to get designation and pay of skilled worker.

3. The opposite party has filed reply in which it has been alleged that the concerned workman has never worked as skilled worker. Further there is prescribed Test for promotion which the concerned workman could not clear.

4. In the rejoinder nothing new has been alleged.

5. In support of his case the concerned workman Ram Adhar WW-1 examined himself. Beside Ext. W-1 to Ext-W-26 have been filed. No evidence in rebuttal was given. In my opinion the concerned workman is not entitled for relief because of his answer in cross-examination. Therein he has admitted that he was called for Trade Test but he fail to clear it. When he failed to clear the Test for skilled job he will be not entitled for either designation or pay scale. From Ext. W-1 to Ext. W-26 it emerges out that the concerned workman was offered and on required to do work of Fitter. This has been explained by the Au. Rep. of Railway submitting that such work was totally way of training.

6. As read of above discussion my award is that the concerned workman is not entitled for designation and pay scale of Blacksmith and Fitter.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

का. आ. 3577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, जबलपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-98 को प्राप्त हुआ था ।

[सं. एल-41012/37/87-डी. II(बी)/(बी. I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S.O. 2577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly., Jabalpur and their workman, which was received by the Central Government on 10-11-98.

[No. L-41012/37/87-D. II (B)/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR (MP)

D. N. Dixit, Presiding Officer

No. CGIT/LC(R) (256)/87

Kamal Prasad,
S/o. Jagannath,
Retd. Rly. Diesel Mech.,
R/o. Ram Manohar Lohia Ward,
Naddi Patti, Katni,
Distt. Jabalpur.

.. Petitioner.

Vs

- (1) Union of India, through the General Manager, Central Rly. Mumbai.
- (2) The General Manager, Central Railway, Mumbai.
- (3) The Divisional Rly. Manager, Central Railway, Jabalpur.
- (4) The Sr. Divisional Mech. Engineer (Diesel), Central Railway, New Katni Junction, Distt. Jabalpur.
- (5) The Asstt. Mechanical Engineer (Diesel), New Katni Junction, C. Rly., Jabalpur. ... Respondent.

AWARD.

(Passed on this 7th day of Oct. '98).

1. Ministry of Labour, Govt. of India, vide its order No. I-41012/37/87-D. II(B) dated 17-12-1987, referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the Management of Central Railway, Jabalpur (MP), in compulsory retiring from service Shri Kamal Prasad, Diesel Mechanic, Diesel Shed, New Katni Junction w.e.f. 22-12-84 is justified. If not, what relief the concerned workman is entitled to?"

2. The contention of the workman Kamal Prasad is that he was a Diesel Mechanic, Grade III, at New Katni Junction of the Central Railway. He proceeded on leave on 24-10-1982 and went to his home town at Panna where he fell ill from 24-10-1982 to 9-3-1983. He has taken treatment of Asstt. Surgeon Panna from 26-10-1982 to 27-12-82. From 27-12-1982 to 29-1-1983, he has taken treatment from the Govt. Doctor at Municipal Hospital Katni. Thereafter, he came to Railway Hospital, Jabalpur and took the treatment. A chargesheet was issued to him about his absence from duty of the above period. The workman replied to the charge. A departmental enquiry was conducted by Shri R. D. Chaudhary. The workman denied the charges and contested the case. The order of the D. E. officer is not a speaking order. The D. E. Officer found the workman guilty of the charge and the Controlling Officer terminated his employment from 22-12-1984. According to the workman, he was not given full opportunity to defend himself in the departmental inquiry. The punishment inflicted upon him is severe and not proportionate to the misconduct. The workman wants that his termination order be cancelled and he be paid wages and allowances from 22-12-1984 up-to-date.

3. The contention of the Management is that the workman remained unauthorised absent from duty for the period from 24-10-1982 to 9-3-1983. A departmental inquiry was held against the workman in which he participated. The workman was found guilty of the charge. On the report of the Inquiry Officer, the Controlling Officer found the workman guilty and terminated his services. According to the Management, the procedure adopted in the departmental inquiry is proper and valid. The workman was granted full opportunity to defend himself. The punishment given to the workman is just and valid. The Management wants the petition of the workman to be dismissed and punishment be confirmed.

4. This Court on 7-1-1992 discussed the validity of the departmental inquiry. This Court found that the departmental inquiry is legal, proper and valid.

5. First point assailed by the workman is that report of DE Officer dated 28-9-1984 is irregular and is not a speaking order. I have read very carefully reasons given by the D. E. Officer for reaching to this conclusion. He has applied his mind and he has reached correctly to the conclusion that willfully the workman remained absent from 24-10-1982 to 9-3-1983.

6. It has been very vehemently argued that removal from service of workman for absence in duty from 24-10-1982 to 9-3-1983 is harsh and out of proportionate to the misconduct. I do not agree with this contention. Firstly, the

workman proceeded on leave without the grant of leave. Even on leave, the workman did not send application to his immediate superior nor the medical certificate. He was at Katni during the period of leave. He did not try to ascertain from his office whether his application has reached the office and whether the leave as prayed had been sanctioned. All this shows that he hardly cared for the rules and conventions of the office in respect of grant of leave. Under such situation, the termination order is just and proper.

7. Retirement of workman Kamal Prasad from service w.e.f. 22-12-1984 is proper and valid. He is not entitled to any relief. Parties to bear their own costs.

8. Copies of the Award be sent to the Ministry of Labour, Govt. of India, as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

का. आ. 2578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ सेन्ट्रल रेलवे, सिकन्दराबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-98 को प्राप्त हुआ था।

[सं. एल-41012/64/93-आई.आर. (बी)/बी. I]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Central Rly. Secunderabad and their workman, which was received by the Central Government on 10-11-98.

[No. I-41012/64/93-IR (B)/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

D. N. Dixit, Presiding Officer

No. CGIT/LC(R)(35)/95

Bishvanath Balakhande,
Samrat Colony, Basmatnagar,
Distt. Prabhani.

... Workman.

Vs

South Central Railway,
Divl. Rly., Manager,
Hyderabad Dm.,
Secunderabad.

... Management.

AWARD

(Passed on this 9th day of Oct. '98).

1. Ministry of Labour, Govt. of India, vide its order No. L-41012/64/93-IR(B) dated 9-2-1995, referred the following dispute for adjudication by this Tribunal :—

"Whether the action of the Management of D.R.M., Secunderabad Division, Meter Gauge, South Central Rly., Hyderabad, in terminating the services of Shri Vishwanath Balkhande, Ex-Gangman (YKC), Khandwa, w.e.f. 1-1-1988 is justified or not? If not, to what relief the workman is entitled for?"

2. On 27-4-1998, the Management, i.e., the South Central Railway, Hyderabad, was served, yet it remained absent, hence he was proceeded exparte. From that date till date, the Management has not filed an application to set aside the exparte order. It seems the Management is not interested in pursuing the present case.

3. The case of the workman is that he was working as Gangman under Loco-Foreman at Khandwa since 1979. The Management issued a chargesheet against him alleging that he had remained absent from 8-4-1986 to 29-5-1986. A departmental inquiry was held against the workman. According to the workman, he was under the treatment of Dr. Mahavir Vakharia at Nagpur from 5-4-1986 to 15-6-1987. The certificate produced by the workman in the inquiry, the workman remained absent and copies of inquiry proceedings and report were never supplied to him. He did not receive any notice before imposing the penalty. The Inquiry Officer's report was disagreed by the Disciplinary Authority. Reasons given by the Disciplinary Authority are vague and illegal. Copy of inquiry officer's report was not given to the workman. The workman preferred a departmental appeal which was rejected by the Management. After recovery from illness, the workman reported for duty, the Management again sent the workman for medical examination and after satisfying themselves about the recovery, the workman was taken on duty. According to the workman, action of the Management is arbitrary, illegal and against the principles of natural justice. The workman wants that he be re-instated from 1-1-1988 and given wages and allowances.

4. According to the Management, the workman had approached the Central Administrative Tribunal for the same relief and the present matter is not maintainable. Termination of the workman is according to rules and principles of natural justice.

5. The workman filed copy of Order of the Central Administrative Tribunal, Jabalpur (MP), dated 4-9-1996. This states that "M. A. No. 901/96 is allowed and workman is granted permission to withdraw the petition." Thus, the petition before the Central Administrative Tribunal came to an end on 4-9-1996.

6. The Management has not filed copies of departmental inquiry proceedings, hence, it is not possible to say that the procedure adopted in the departmental enquiry proceedings was proper, valid and legal. On the contrary, the workman has filed his Affidavit stating that he was ill and under treatment of Dr. Mahavir Vakharia of Nagpur from 5-4-1986 to 15-6-1987. The workman has filed certificate of doctor. There is no reason to disbelieve this certificate.

7. The workman has been given the chargesheet that he remained absent from 8-4-1986 to 29-5-1986. Hence, a departmental inquiry was held against him. The medical certificate mentions that the workman was ill during this period and he was advised rest by the doctor. Thus, the workman remained absent because of his illness and on advice of doctor.

8. I hold that the workman remained absent because of illness and he has committed no misconduct. The workman be taken into service immediately. He be paid wages from 1-1-1988 up-to-date as per rules within three months from the date of publication of this Award. If the payment is not made within three months, the workman will

be entitled to interest @ 12 per cent p.a. on the principle amount upto payment. The Award is given in favour of the workman and against the Management.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1998

का. आ. 2579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सर्वर रेलवे, पालघाट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, तमिलनाडु, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-98 को प्राप्त हुआ था।

[सं. एल-41012/223/94-आई.आर(बी.1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th November, 1998

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Rly., Palghat and their workman, which was received by the Central Government on 10-11-98.

[No. L-41012/223/94-IR(B.I.)]

F. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU CHENNAI

Monday, the 20th day of July, 1998

PRESENT:

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 31 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management Southern Railway, Chennai).

BETWEEN

Sh. C. Fanneerselvam,
C/o. General Secretary,
D.R.C.L., Edappally North,
Cochin-24.

AND

The Sr. D.P.O.,
Southern Railway,
Palghat-678 001.

REFERENCE:

Order No. L-41012/223/94-IR(B-I), Ministry of Labour, dated 14-3-96, Govt. of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 11th day of June 1998, upon perusing the reference, claim, counter statements and all other materials on record, upon hearing the arguments of Thiru C. P. Menon, Authorised Representative appearing for the petitioner and of Thiru G. Balasubramanian, Advocate appearing for the respondent management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for adjudication of the following issue :

"Whether the management of Southern Railway, Palghat in terminating the services of Shri C. Pannerselvam, an ex-employee under IOW/SW/SA w.e.f. 20-8-1984 is just, proper and legal? If not, to what relief is the workman entitled to?"

2. The main averments found in the claim statement filed by the petitioner are as follows :

The petitioner Thiru Pannerselvam was working under Inspector of Works, Southern Railway, Salem Junction from 21-12-83 to 21-8-84. On 21-8-84, the Inspector of Works told him that he need not come and attend office in future, and thus the worker was kept out of employment without notice. The workman is eligible for temporary status after 120 days of continuous service. On the attaining of temporary status the workmen will be entitled to CPC scales of pay. Since the Divisional Personnel Officer denied C.P.C. scale of pay to the workmen approached the Labour Court, Kozhikode which was pleased to uphold his claim and directed the management to pay C.P.C. arrears. As per the Railway Establishment Manual, Chapter 23, Rule 2302-1 a temporary railway servant shall be eligible to be terminated on 14 days notice. As the petitioner has completed more than 240 days in service, he is entitled to one month's notice. As per the Chapter VA and B of the I.D. Act, 1947 also the workmen should be given one month's notice in writing indicating the reasons for retrenchment or notice pay. Petitioner was not given any notice or order of termination. Hence the petitioner should be taken back to duty with backwages and other benefits. Many other persons who are juniors to the petitioner are continuing in service which is also against Sec. 25H of the I.D. Act, 1947. The petitioner has worked for 243 days from 21-12-83 to 21-8-84. The petitioner prays for reinstatement with backwages and other attendant benefits.

3. The main averments found in the counter statement filed by the respondent are as follows : The claim of the petitioner for reinstatement in service with backwages is baseless and untenable, and the contention that the petitioner should have been given 14 days notice or notice pay under para 2302(1) of Indian Railway Establishment Manual and one month notice or notice pay under Chapter VA and VB of the Industrial Disputes Act, before termination of his service, is misleading. In respondent management, casual labourers are engaged for execution of certain works. Para 2001(1) of Indian Railway Establishment Manual defines casual labour whose employment is intermittent sporadic or extends over short

periods or continued from one work to another. Labour of this kind is normally recruited from the nearest available source. They are not ordinarily liable to transfer. The conditions applicable to permanent and temporary staff do not apply to casual labour. In Railways, there are two sets of casual labourers. One, Open line casual labour and another project casual labourer. Open line casual labourers are those casual labourers who are primarily engaged to supplement the regular staff in work of seasonal or sporadic nature which arises in the day today working to the Railway system. The project casual labourers are those casual labourers who are engaged for execution of Railway Projects such as new lines, doubling, conversion, construction of buildings, track renewals, route relay interlocking, Railway Electrification, setting up of new lines etc. Service conditions of open line casual labourers are not particularly similar and there is some difference. In the case of open line casual labourers, prior to 11-7-1973 they were entitled to temporary status and CPC scales of pay on completion of 180 days of continuous service, but w.e.f. 12-7-1973, the length of continuous service required, has been reduced to 120 days of continuous service. Thus the entitlement to temporary status depends upon the length of continuous service rendered by the casual labour. For calculation of continuous service the various factors such as unauthorised absence, authorised absence, spells of service etc. that should be taken into account have been modified from time to time. Prior to 11-5-1973 even a single day of unauthorised absence would constitute a break in service and consequently the earlier casual labour service would not be taken into account for calculation of continuous service w.e.f. 11-5-73, this was modified it has been stipulated that the unauthorised absence if it exceeds three days in a period of six months would constitute a break in service. Another factor which determines the continuous service is the extent of authorised absence. Prior to 11-5-1973, if the authorised absence exceeded 15 days in a period of six months, it would constitute a break in service, and w.e.f. 11-5-73, the unauthorised absence of three days was included within the period of 15 days authorised absence. But w.e.f. 24-10-78 the period of authorised absence was increased to 20 days inclusive of three days unauthorised absence in a period of six months. One more factor which has to be taken into account w.e.f. 21-10-1980 for calculation of 120 days of continuous service, is the spells of casual labour service rendered after 21-10-80. Previously earlier spells of service had to be ignored but w.e.f. 21-10-80, the spells of service rendered after 21-10-80, have to be taken into account without any time limit of the interval between the date of retrenchment on the previous spells, and the date of re-engagement in the next spell, for calculation of aggregate service for grant of temporary status. The entitlement of temporary status depends on the factors like unauthorised absence, authorised absence and spell of service etc. and has to be decided with reference to entries of such factors on the muster sheet. It cannot be decided merely on the basis of a bald statement of the petitioner containing nothing except the alleged dates of engagement and retrenchment. For the purpose of retrenchment and re-engagement of casual labourers, the Railway Board, keeping in view the provisions of I.D. Act, have prescribed procedure to be followed by

the Railways. In relation to open line labourers on Railway, the establishment of senior subordinates viz., Permanent Way Inspector, Inspector of Works etc. were treated as the Industrial Establishment for the purpose of engagement, retrenchment, and re-engagement of casual labourers. Consequent to the judgement of Hon'ble Supreme Court in the Indrapal Yadav's case, a scheme was framed by the Railway board for grant of temporary status and regular absorption of Project Casual Labour and detailed procedure was prescribing for this purpose. Simultaneously in consonance with the said procedure prescribed procedure was prescribed by the Railway Board for re-engagement of retrenched open line casual labourers, vide Railway Board letters No. E(NG)/II/78/CL/2 dt. 25-4-86 and 21-10-86. According to these instructions the names of all open line casual labourers who were retrenched on or after 1-1-81 for want of work or on completion of work should be registered in Live Casual Labour Register (Open line) according to seniority position, the unit of seniority being the establishment of senior subordinates. These registers are maintained in the field office with a duplicate register at Divisional Office. This register is used for any subsequent re engagement of open line casual labourers if engagement of casual labourers is necessitated for execution of work. But the names of open line casual labourers who had worked and discharged before 1-1-81 for want of work or on completion of work should be registered in a separate register called as Supplementary Live Casual Labour register (Open line) of units of seniority concerned, which was later on modified as Divisionwise seniority. Their re-engagement will be considered only if the list of persons already borne in the live casual labour register in the respective seniority units is exhausted and there is further need for engagement of such casual labour. The service rendered after such re-engagement only will be considered for the purpose of grant of temporary status and regular absorption. Opportunities were given for open line casual labourers who had worked and were discharged on and after 1-1-81 for inclusion of their names in the Live Casual Labour Register. The Live casual labour register (Open line) so prepared contains a number of open line casual labourers who are still waiting outside without job due to non-availability of work. There is a restriction on unwarranted engagement of casual labourers. Engagement of fresh faces after 1-1-81 if it is warranted and re-engagement of retrenched casual labourers after 8-4-85 require the personal prior approval of the General Manager of the Railways. The petitioner has raised the Industrial Dispute in the year 1991 for the alleged termination of service in the year 1984, after a lapse of seven years, as a clever ploy to circumvent the procedures prescribed for re-engagement of open line casual labourers. In petitioner's effort to make out a claim preferential claim over the open line casual labourers who are still waiting in the list, he has tried to set up a case of illegal termination with an intention to wrangle undue benefits. If the petitioner was working under Inspector of Works, Southern Railway, Salem from 21-12-83 onwards and his services were terminated on 21-8-84 without notice

by the Inspector of Works, he should have approached the appropriate judicial forum without delay. The claim of the petitioner could have been decided then itself when the full service particulars were available. The establishment in which petitioner was alleged to have been engaged was a temporary work. There are no records to verify the facts of the case at this distant date. Knowing very well that the Railway Administration would not be having records at this date to verify the alleged service details and will not be able to contest the case effectively, petitioner has raised the I.D. after a lapse of seven years. In *Ratan Chandra Sanmantra Vs. Union of India*, the Hon'ble Supreme

Court has held that delay deprives a person of his remedy available in law and that in the absence of any fresh cause of action or any legislation, a person who has lost his remedy by lapse, loses his right as well. It is also held that it may not be proper exercise of discretion to direct the opposite party to verify the correctness of the statements made by the petitioners in the absence of any material evidence to establish their claim. Also in *Secretary to Government of India & Ors. Vs. Shivram Mahadu Gaikwad* [1995] SCC (L&S) 11481, three Hon'ble Judges of the Hon'ble Supreme Court held that delay should not be overlooked while granting relief. The petitioner's name does not find a place even in the Live Casual Labour register. In the absence of any documentary evidence to prove his alleged casual labour service, it is not prudent to place reliance on the averment of the petitioner. Petitioner's conduct in keeping silence for all these years, from 1984 leads to the logical inference that the petitioner had got a better job outside and abandoned his service in the railway. The circumstances of the case would lead to no other conclusion except voluntary abandonment of service by a workman is not a retrenchment. For attracting Sec. 25F of the I.D. Act, the termination of the services of the workman must be by voluntary act of the employer. In case of voluntary abandonment of service, the service comes to an end, not by any positive act of termination by the employer, but by the default of the workman himself. The essential ingredients for retrenchment under Sec. 2(oo) of the Act are that there must be a termination of the service of a workman and that the termination must be by the employer. While all retrenchment is termination of service, all termination of service is not retrenchment under Sec. 2(oo) of the I.D. Act. In the absence of documentary evidence to prove petitioner's alleged service, and the alleged number of days of service, no reliance could be placed upon the petitioner's statement that he had worked for 243 days within a period of 8 months, from 21-12-83 to 21-8-84, because it is highly improbable that he had worked without any intermittent break for eight months. When there is voluntary abandonment of service, and the service rules provides for automatic termination of service or deemed resignation from service, the law does not

cost any obligation on the employer to hold a departmental enquiry. As stipulated in Note (2) below Exception II to rule 732 (i) of Indian Railway Establishment Code, the petitioner is deemed to have resigned and ceased to be in Railway Employment. As stipulated in para 2302 of Indian Railway Establishment Manual the petitioner is not entitled to the 14 days notice or notice pay. The respondent prays to dismiss the claim of the petitioner.

4. Petitioner has examined himself as WW1 and Ex. W-1 to W-4 have been marked. On behalf of the management, no witness has been examined and no document was marked.

5. The point for consideration is : Whether the action of the management of Southern Railway, in terminating the services of Thiru Panneerselvam w.e.f. 20-8-94 is just, proper and legal ? If not, to what relief the workman is entitled to ?

6. The Point : The workman Thiru Paneerselvam was engaged as a casual labour from 21-12-83 till 22-7-84 as seen from Ex. W-1 service card. In Ex. W-1 service card of the petitioner-workman it is mentioned that he was absent after 26-7-84. The petitioner has contended that he was terminated from service w.e.f. 21-8-94, and that he was retrenched without any notice or notice pay and that his juniors are still continuing in service. The contention of the management is that the petitioner has not worked for 240 days in the preceding 12 months before his alleged termination from service, the petitioner himself absented from duty probably for better employment elsewhere and his present application is stale.

7. According to Ex. W1 casual labour service card of the petitioner he has worked for 215 days from 21-12-83 to 25-7-84 and absented himself after 26-7-84 onwards. Thus, the petitioner has not come under the purview of Sec. 25B of the I.D. Act, 1947 according to which in the period of 12 calendar months preceding the date with reference to which calculation has to be made should have worked 240 days which will amount to continuous service. The total number of days in which the petitioner has worked under the respondent management has worked is only 215 days according to Ex. W-1 casual labour service card. Therefore, Chapter VA of the I.D. Act, 1947 does not apply to the petitioner's case. The petitioner has marked Ex. W-2 registered notice dated 20-6-89 requesting to take him back to duty wherein he has mentioned certain previous letters said to have been sent by him on 20-10-85, 10-10-86, 20-10-87, and 30-6-88. The above previous letters mentioned in Ex. W-2 notice have not been produced before this Court. On the contrary during cross-examination he has admitted that from 1984 to 1990 he did not take any effort for his reinstatement in service. He has further admitted that after 20-8-84 the respondent did not ask him not to come for work. The petitioner has further produced Ex. W-3 and W-4, two judgements of the Labour Court, Kozhikode, in C.P. No. 8/90 and Industrial Tribunal, Alleppey, in I.D. 202/90. In Ex. W-3, judgement of the Labour Court, Kozhikode 3203 GI/98—15

in C.P. No. 8/90 filed by the petitioner, he has asked for CPC scale and the Labour Court has awarded a sum of Rs. 864 towards arrears of CPC scale. In the said order, it is mentioned that the petitioner is entitled to CPC scale only from 20-7-84. If the petitioner was entitled for CPC scale only from 20-7-84, between 21-7-84, and 20-8-84 he has worked only for 3 days as seen from Ex. W1 casual labour service card of the petitioner. There is no clarification from the petitioner as to how the Labour Court, Kozhikode awarded Rs. 864 as arrears of CPC scale, if really the petitioner was entitled to CPC scale only from 20-7-84. However, as per the award of the Labour Court, the amount has been paid to the petitioner. The said C.P. has been filed only for arrears of CPC scales and not for reinstatement. The petitioner wants to rely upon the judgement of the Industrial Tribunal, Alleppey, in I.D. 202/90 which has been marked as Ex. W-4 wherein the Industrial Tribunal has passed an award for reinstatement of about 15 workmen. But the facts of the above case are totally different from the facts of the petitioner's case. In I.D. 202/90 on the file of the Industrial Tribunal, Alleppey, the petitioners had been in continuous service for several years and have satisfied continuous service for 240 days during the period of 12 calendar months preceding their non-employment and they have been retrenched and been representing continuously to the respondent management for their reinstatement. But in the case of the petitioner, he has neither worked for 240 days nor has sent any application for his reinstatement or re-engagement for several years and Ex. W-2 the alleged registered notice is dated 20-6-89 for which no proof of service like registered letter receipt or postal acknowledgment card has been produced. On the other hand, the petitioner has admitted in the cross-examination that he has not raised any dispute till 1990 regarding his non-employment. In fact after the judgement of the Hon'ble Supreme Court in Inder Pal Yadav's case, a scheme was framed by the Railway Board for grant of temporary status and regular absorption of the casual labourer and detailed procedure was prescribed for the said purpose. According to the instructions of the railway board, the names of all open line casual labourers who were discharged on or after 1-1-81 for want of work or on completion of work should be registered in live casual labour register (open line) according to seniority position. The names of open line casual labourers who had worked and discharged before 1-1-81 for want of work or on completion of work should be registered in a separate register called as supplementary live casual labour register (open line) of unit wise seniority concerned. The scheme was given a wide publicity requiring applications with documentary proof before 31-3-87 and any application which was made subsequently would not be considered. The petitioner has not produced any document to show that he has made any application before the respondent management to include his name in the live casual labour register.

In AIR 1993 SC 2276 Ratanchandra Sammantha & Ors. Vs. Union of India & Ors. the Hon'ble Apex Court has held as follows :

"Two questions arise, one if the petitioners are entitled as a matter of law for re-employment and other if they have lost their right if any due to delay. Right of casual labourer employed in projects, to be re-employed in railways has been recognised both by the railways and this Court. But unfortunately the petitioners did not take up any step to enforce their claim before the railways excepting sending a vague representation nor did they even care to produce any material to satisfy this Court that they were covered in the scheme framed by the Railways. It was urged by the learned counsel for petitioners that they may be permitted to produce their identity cards etc. before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has come right. Not for sake of roving enquiry leaving scope of manoeuvring. Delay itself deprives person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of the petitioner we would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed. We would have been persuaded to take a sympathetic view but in absence of any positive material to establish that these petitioners were in fact appointed and working as alleged by them it would not be proper exercise or discretion to direct opposite parties to verify the correctness of the statement made by the petitioners that they were employed between 1964 to 1969 and retrenched between 1975. Writ petitions are dismissed. But there shall be no order as to costs."

In this case, the petitioner has himself absented from duty after 26-7-84 and he has not applied to enroll his name in the live casual labour register (open line) as per the scheme framed by the respondent management. As decided by the Hon'ble Apex Court in the Judgement referred above, petitioner has lost his right if any by delay and his present claim is stale and hence the same is dismissed.

In the result, award passed dismissing the claim of the petitioner. No costs.

Dated, this the 20th day of July, 1998.

Witnesses Examined

S. ASHOK KUMAR, Industrial Tribunal

For Petitioner/Workman :

W.W.1 : Thiru Panneerselvam.

For Respondent/management : Nil.

DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1 : True copy of the service card issued by the respondent to the petitioner from 21-12-83 to 20-8-84 (copy) .

Ex. W-2 : True copy of the letter sent to Opposite party by the petitioner of 20/8/89 (xerox).

Ex. W-3 : True copy of the judgment of 193/91 issued by the Hon'ble Labour Court, Kozhikode. (xerox).

Ex. W-4 : True copy of the Judgment dt. 1-10-92 issued by the Hon'ble Industrial Tribunal, Alleppey.

For Management—Nil.

नई दिल्ली, 13 नवम्बर, 1998

का. आ. 2580.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 को प्राप्त हुआ था ।

[सं. एल-43012/16/95-आई.आर (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th November, 1998

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharath Gold Mines Ltd., and their workman, which was received by the Central Government on the 13-11-98.

[No. L-43012/16/95-IR (Misc.)]

B. M. DAVID, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 22nd Day of October, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

Central Reference No. 112/1997

I Party :

The President,
Bharath Gold Miners Association
No. 545, Near Punjabi Quarters,
Oorgaum P.O. K.G.F. 563120.

II Party :

The Managing Director,
Suvarna Bhavan,
Bharath Gold Mines Ltd.,
K.G.F. - 563120.

AWARD

The Government of India, having satisfied that an Industrial Dispute exists between the Management of Bharath Gold Mines Limited and their workman has referred the same vide Order No. L-43012/16/95-IR (Misc.) for adjudication on the following schedule.

"Whether the management of BGML is justified in calculating the privilege leave of Sri K. Thirupal, taking the D.A. rate of 31-12-1989 instead of the D.A. rate of April 1994. If not to what relief he is entitled to ?"

The President, BGML Association represented the workman, Sri K. Thirupal and filed the Claim Statement on 28-10-97. Though the time extended, the II Party has not filed Counter Statement. Since there was dislocation of work in this Tribunal, fresh notices were issued to the parties. On 7-10-98 on the Motion made by the II Party time is extended to file the counter statement as a last chance by 15-10-98. The II Party failed to file the counter statement on the adjourned date of 16-10-98 and 22-10-98. In these circumstances, the arguments on above of the I Party were heard and proceeded to pass the Award.

The sum and substance of the Claim Statement made by the I Party is that the II Party by wrong calculations failed to pay Privilege Leave encashment amounting to Rs. 1,322.23.

According to the workman the II party failed to notice the following table :

	Rs.	Ps.
Proportionate Basic salary for 20 days P.L. as on 24-4-94	1,030.80	
Proportionate D.A.. —do—	1,095.00	
TOTAL	2,125.80	
Less Ration Amount	801.55	
Changes A/c	2.02	
	————— (—) 803.57	
Balance to pay	1,322.23	

In this regard, the I Party also filed a Suit in OS No. 619/1989 on the file of the Additional Munisiff/K.C.P., on the Orders based in the said Suit and in the Appeal MA No. 9/90 reached the Hon'ble High Court of Karnataka in CRP No.

647/94. A specific direction was given to the II Party not to withhold retirement benefits and further directed to settle and pay all admitted retirement benefits within 3 months from the date of the Order. This Order was made on 1-7-94.

In the facts and circumstances stated above, since the II Party failed to contradict the Statement of the I Party and also due to the fact that the Claim Statement discloses the correct calculation in this regard this reference is liable to be allowed.

In the result, the reference is allowed. The II Party is directed to pay a sum of Rs. 1,322.23 to the I Party workman at the earliest.

(Dictated to the Secretary, taken down by her, got typed and corrected by me).

JUSTICE R. RAMAKRISHNA. Presiding Officer

नई दिल्ली, 13 नवम्बर, 1998

का. आ. 2581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दामोदर मंगलजी एंड कंपनी के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2—मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 को प्राप्त हुआ था।

[सं. एल-29012/34/94—आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th November, 1998

S.O. 2581.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Damodar Mangalgi and Company and their workman, which was received by the Central Government on the 13-11-1998.

[No. L-29012/34/94-IR (Misc.)]

B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI.

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/57 of 1994
Employers in relation to the management of
M/s. Damodar Mangalgi and company.

AND

Their workmen

APPEARANCES :

For the Employer : S/Shri Sashikant Joshi and Bodhankar, Advocate.

For the Workmen : Shri Subhas Naik Representative.

Mumbai, dated 13th October, 1998.

AWARD—PART—I

The Government of India, Ministry of Labour, by its order No. L-29012/34/94-IR (Misc.), dated 17-11-1994 had referred to the following industrial Dispute for adjudication.

"Whether the action of the Managing Director of M/s. Damodar Mangalgi and Company in terminating/dismissing the service of Shri Kashiram Naik Purna, Tondiwaddo, Bardex-Goa w.e.f. 1-2-1993 is justified? If not, to what relief the workman is entitled to?"

2. Kashiram Naik, the workman filed a Statement of Claim at Exhibit-3. He contended that he was employee of M/s. Damodar Mangalgi and Co., It is a mining company. It's business of extracting Iron, Manganese and other ores and exporting the same to foreign countries as well as within India.

3. The workman was employed as a labourer at Kelim Mines at Sirsein, Goa, since 12-11-1987.

4. On 24th October, 1992 a chargesheet was issued to him alleging different misconduct. He was also suspended on the same date. On 26th October, 1992 one Mahesh Sonak, advocate was appointed as an inquiry officer and Naval Singh Bhogati as the Presenting Officer and advocate Shashikant Joshi as advisor to Shri Bhogati. The worker replied a chargesheet by letter dated 6-11-1992 and denied the charges. It is contended that the inquiry officer conducted an inquiry without following the Principles of Natural Justice. The worker wanted to be represented by an employee by name Ashok Gavas. But his request was rejected. He then wanted to engage an advocate to represent him. That request was also rejected. It is therefore he could not be properly represented in the inquiry proceeding.

5. The workman pleaded that he does not know English but the inquiry was conducted in English which he could not follow. He was not allowed to cross-examine the witness nor he was allowed to lead evidence. On all these counts it is pleaded that the inquiry is against the Principles of Natural Justice.

6. The workman averred that on 9th January, 1993 he was served with a Show cause notice dated 9-1-1993 enclosing a copy of the inquiry report. He was asked why he should not be dismissed from the service. The workman by his letters dated 11-1-1993, 13-1-1993 and 19-1-1993 requested the management to supply him the proceedings of the inquiry to enable him to give a reply. But he was not supplied with the same. Ultimately on February 1st, 1993 addressed him a letter dismissing him from service. By doing so his past record was not

considered. It is submitted that the findings of the inquiry officer are perverse and not based on the evidence. It is therefore prayed that the order of dismissal may be set aside and he may be reinstated in service with full back wages, continuity and other reliefs.

7. The management resisted the claim by the written statement, Exhibit-4. It is averred that he was never employed by them. It is submitted that he was an employee of the contractor. It is averred that the workman have committed a gross misconduct. He threatened the office management with dire consequences. He also asked for Rs. 25,000/-. He instigated other workmen to go on strike and remain absent unauthorisedly. It is therefore a chargesheet was served to him and a domestic inquiry was conducted.

8. The management averred that the domestic inquiry which was conducted against the workman was as per the Principles of Natural Justice. The findings of the inquiry officer are based on the evidence and no prejudice was caused to the worker at the time of departmental inquiry. All allegations made against management in the Statement of claim are denied by the management. It is averred that the workman is not entitled to any reliefs.

9. The workmen filed a rejoinder at Exhibit-5, and reiterated the claim made by him.

10. The issues that fall for my consideration and my findings there on are as follows :

Issues	Findings.
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice ?	Yes.
2. Whether the findings of the inquiry officer are perverse ?	Yes.

REASONS:

11. It is not in dispute that on 24th October, 1992 the workman Kashiram Naik was suspended and at the same time a chargesheet was issued to him. The chargesheet reads as follows :

(i) You have been charged for committing certain serious offences the details of which are set out hereunder :—

(a) On 15-10-1992 at about 9.30 a.m. in the office of Mines Manager at Sirsaim Mines you threatened and abused the Mines Manager, Shri M. K. Sinha, with dire consequences. It is reported that you threatened to kill him unless your demand that you be transferred to Pissurlem and be given an amount of Rs. 25,000/- are not settled forthwith. Your abusive tone was intended to strike terror in the minds

of the Mines Manager and the other staff at the mines. On this occasion you specifically threatened the Mines Manager that you shall ensure that no work goes on on the mines unless your unreasonable demands are met with. You acted in a violent provocative manner most unbecoming in an employee. Your action, if proved amounts to insubordination, indiscipline and conduct unbecoming of an employee.

- (b) From the period between 5th September, 1992 till 10th Oct. 1992 you have been inciting and instigating the workmen at Sirsaim Mines to take part or act in furtherance of illegal strike, which is in breach of the settlement arrived at between the management and the employees. You have indulged in acts of grave indiscipline by instigating and inciting the employees to strike work during the said period. As a consequence of your indiscipline, misbehaviour and incitement of other employees, there was a stoppage of work, resulting in loss of production.
- (c) You have remained unauthorisedly absent from 1-10-92 and further, such unauthorised absence continues. You have intentionally ignored the notice dated 29-9-92, calling upon all the employees to report for duty by 1-10-92, failing which the management had clearly declared its intention to deem your lack of interest in future employment. You have not applied for any kind of leave, although at times you come at the mines, the purpose is only to incite and instigate the other employees and not to report for duties despite earnest appeal and requests ;
- (d) You have both orally and in writing demanded for illegal gratification of Rs. 25,000/- in lieu of your assurance to tackle the employees, whom you have yourself instigated and provoked to indulge into acts of indiscipline, like striking work. You have been demanding this amount of Rs. 25,000/- and further that you be transferred to Pissurlem mines, by way of extortion and under the threat of causing disruption of work on the mines. You have on atleast three occasions, clearly informed the management that unless you are offered Rs. 25,000/- and a transfer at Pissurlem Mine on a consolidated salary of Rs. 2,000 per month, you shall ensure that there is industrial unrest at the mines and the production is seriously hampered.

12. He replied to it and denied the contentions. Thereafter Mr. Mahesh Sona an Advocate was appointed as an inquiry officer of Mr. Naval Singh Bhogati as Presenting Officer. Naik (Ex-12) affirms that he requested the management that he should be allowed to be represented by one Mr. Ashok Gavas. But his request was rejected by the inquiry officer contending that he is a management witness. He thereafter made a request that he should be allowed

to be represented by an advocate. That request was also turned down.

13. Navalsingh Bhogati (Ex-16), the Presenting Officer admits that he is law graduate. But he asserts that he never practiced. The position is that the inquiry officer is a law graduate not only that he is not practising advocate and the presenting officer is law graduate. The chargesheet clearly speaks that the workman had committed serious major misconducts. Naturally if proved the consequences are major. Under such circumstances it was necessary that the workman should have been allowed to be represented properly. The Presenting Officer admits the fact that there is no record to show that Ashok Gavas was not ready to represent the worker. He also did not inform the inquiry officer that Gavas is not ready to represent the worker. The fact remains that there was no representation to the workman in a domestic inquiry. It can be further seen that the workman is not law graduate nor he is in such a position to understand the necessities of the charges levelled against him and could defend properly. In other words he was not on equal footing with the management when the domestic inquiry was conducted. On this point it has to be said that the inquiry was against the Principles of Natural Justice.

14. Naik affirms that he does not know English. He further affirms that he could not cross-examine the management witness. But I find that the testimony of Naik even if not considered at all from the testimony of the management witnesses Navalsingh Bhogati, Presenting Officer it reveals that the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice.

15. Navalsingh Bhogati admits that on 5-12-92 the inquiry was conducted in the office of the Advocate Mahesh Sonak, the inquiry officer. On that day nine witnesses were examined. He affirmed that their signatures were taken on their statement on that date. But later on he admits the position that the statements were recorded in shorthand and thereafter on some different date their signatures were taken. This is not the normal procedure. When a witness deposes whatever deposed by him should be recorded, then it is to be read over to the witnesses and in these inquiries they are signed by them. This is with a view that the recording is proper. The procedure which was adopted by the inquiry officer was not a normal procedure which leads to think that the domestic inquiry was against the Principles of Natural Justice.

16. The Presenting Officer further affirms that Ashok Gavas was examined on 5-12-92. But so far as his statement is concerned it is not on the record. He could not produce it. He further admits that Manchar Gaonkar and Mohandas Naik were also examined on that day. Their statements are also not on the record. Nine witnesses were examined on 5-12-92 and the matter was adjourned to 12-12-93 for gross-examination of them. It appears that the worker could not cross-examine them. Further more their statements were not on the file. When he received the inquiry report alongwith the Show Cause Notice he demanded the copies of the inquiry proceedings which were not given to him. All these things clearly go to show that a prejudice was caused

to him by this noval procedure adopted by the inquiry officer. If it is said that the statement of these witnesses were recorded on 5-12-92 they should have been in the file but as they are not there adverse inference is to be drawn that as they are not suitable to the management they must have taken it away. All these things clearly go to show that the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice.

17. The inquiry officer had given his report finding that the workman guilty. It can be seen that none of these witnesses were cross-examined by the workman as he was not allowed to be represented by his colleagues or by an advocate. He himself did not cross-examine him. The findings given by the inquiry officer appears to be not based on the evidence and perverse. Infact as I have come to the conclusion that the inquiry which was conducted against the workman was against the Principles of Natural Justice an opportunity is to be given to the management to justify their action.

18. I may mention it here that eventhough the management filed affidavits of the witnesses they were not presented for cross-examination. Therefore an endorsement was made on it that 'witness absent-no cross-examination'. Later on the management gave an application narrating the reasons for remaining absent. The Tribunal allowed their application and the witnesses were cross-examined by the workman. Then the matter was fixed for sending written arguments positively on or before 9-10-98. On that day it was informed that if the arguments are not received the matter will be posted for award on 13-10-98. The workman had send the written arguments which are at Ex-24. But so far as the management is concerned it did not. On that day the matter was adjourned for award on 13-10-98. Yesterday the application was send by the management, through one Kapuskar Constructions praying for adjournment. Obviously it cannot be considered. I find it without any merit. For all these reasons I record my findings on the points accordingly and pass the following order :

ORDER

1. The domestic inquiry which was held against the workman was against the Principles of Natural Justice.
2. The findings of the inquiry officer are perverse.
3. The management is allowed to lead evidence to substantiate their action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 13 नवम्बर, 1998

का. ग्रा. 2582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण,

विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 को प्राप्त हुआ था ।

[सं. एल-34011/8/97-आई.अर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th November, 1998

S.O. 2582.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 13-11-98.

[No. L-34011/8/97-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT:

Sri K. Styanand, B.Sc., LL.M., Chairman, Industiral Tribunal & Presiding Officer, Labour Court, Vishkhapatnam.

I.T.I.D. (C)5/98

Dated : 24th day of September, 1998

BETWEEN

The General Secretary
V.H. & P Worker's Union (AITUC)
26-26-27
Harbour Approach Road,
Visakhapatnam-530001

..Workmen

AND

The Chairman
Visakhapatnam Port Trust
Visakhapatnam.

..Management.

This dispute coming on for hearing before me in the presence of Sri. G. V. Reddy, Advocate for Management. Workman union called absent. On perusing the material papers the court passed the following :

AWARD

Workmen union called absent though served I.D. closed passing Nil Award for default of workman.

Given under my hand and seal of the court this the 24th day of September, 98.

K. SATYANAND, Chairman, Industiral Tribunal &
Presidin Officer, Labour Court

नई दिल्ली, 13 नवम्बर, 1998

का. ग्रा. 2583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के

संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 की प्राप्त हुआ था।

[सं. एल-34012/6/97-आई. आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th November, 1998

S.O. 2583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 13-11-98.

[No. L-134012/6/97-IR(Mis.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT:

Sri K. Satyanand, B.Sc., LL.M., Chairman, Industrial Tribunal & Presiding Officer, Labour Court, Visakhapatnam.

I.F.I.D.(C)-4/98

Dated : 24th day of September, 1998

BETWEEN:

P. Rama Rao (Ex-CL Khalasi (Shore))

V.H. & P Workers Union (AITUC)
The General Secretary
26-26-27

Harbour Approach Road
Visakhapatnam-530001.

Workmen

AND

The Chairman
Visakhapatnam Port Trust
Visakhapatnam-35.

Management

This dispute coming on for hearing before me in the presence of Sri B. Gowri Sanker Raju, Advocate for Management and workman called absent, on perusing the material papers on record the court passed the following:

AWARD

Workman Union called absent though serviced. I.D. closed passing Nil Award for default of Workman.

Given under my hand and seal of the court this the 24th day of September, 1998.

K. SATYANAND, Chairman, Industrial Tribunal &
Presiding Officer, Labour Court

नई दिल्ली, 17 नवम्बर, 1998

का. आ. 2584.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-98 को प्राप्त हुआ था।

[सं. एल-12011/211/97-आई. आर. बी.-II]
सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 16-11-98.

[No. L-12011/211/97-IR(B-II)]
C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Tribunal cum Labour Court Dispute No. 2/
1998.

In the matter of dispute between :
Allahabad Bank

The Regional Manager Allahabad Bank
Regional Office Hazratganj, Lucknow.

AND

District Trade Union Congress
The General Secretary District Trade Union Congress
67/99 Lalkuan
Lucknow.

APPEARANCE:

M. K. Verma—for the management and none—for the
workman.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12011/211/97, I.R. B-II dated 31-12-97 has referred the following dispute for adjudication to this Tribunal :—

Whether it is a fact that Sri Vijay Kumar son of Sri Harilal was employed as a sub staff by the management of Allahabad Bank in their city branch, Lucknow under his real name and fictitious names of S/Sri Hari Ram, Ram Kishore, Ramesh, Ashok Kumar and Rohit Kumar from 1988 to 31-12-92 and thereafter terminated his employment? If so whether the termination of his employment was legal? If not to what relief the said workman is entitled?

2. It is unnecessary to give details of the case of the workman as after filing claim statement the concerned workman absented himself. Ultimately the concerned workman was debarred from giving evidence on 16-10-98. In view of above my award is that termination of the workman is not bad for want of proof. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का. आ. 2585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-98 की प्राप्त हुआ था।

[सं. एल-12012/72/97-आई. आर. बी.-II]
सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 16-11-98.

[No. L-12012/72/97-IR(B-II)]
C. GANGADHARAN, Desk Officer
ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 230 of 1997

In the matter of dispute between :

General Secretary, UP Bank Employees Union 2/263, Namner, Agra.

AND

Sr. Regional Manager, Indian Overseas Bank, 3rd Floor, Navchethta Kendra, 10, Ashok Road, Lucknow.

APPEARANCES :

Shri V. K. Gupta for the workman.

Smt. Neeta Mathur for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/72/97-IR(B-II) dated 20-11-97 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Indian Overseas Bank in terminating the services of Ved Prakash w.e.f. 07-11-1986 is legal and justified ? If not to what relief the workman is entitled ?

2. The case of the concerned workman is that he was engaged as messenger with the opposite party Indian Overseas Bank at Agra Branch from 1-5-1982, and worked upto 7-9-1986 continuously. Thereafter his services were terminated on the direction of Central office, Madras without holding any enquiry or compliance of provisions of Industrial Dispute Act. Later on workman was informed that he was removed from service because of Police/C.B.I. case.

3. The case of the management is that claim is highly belated as the reference has been claimed in 1997 where as termination took place in 1986. It is further alleged that employment of concerned workman was temporary as he was found involved in a cheating case he was removed from service.

4 In the rejoinder nothing new has been alleged.

5. In the first place it will be seen that if the claim is stale the Au. Rep. of the workman has referred to me the judgement of Special Magistrate, C.B.I., Dehradun dated 30-3-93 in criminal case No. 142/92. It has been urged that as the concerned workman was facing investigation and trail he had no time to raise industrial dispute. In my opinion it is satisfactory explanation for delay.

6. On merits admittedly no retrenchment compensation and notice pay has been given. He has already completed more than 240 days in a year which proved from the oral evidence of Anand Kumar as well as of workman as WW(1). Hence the termination is bad being in breach of Section 25F I.D. Act. Apart from this if the concerned workman was guilty of cheating domestic enquiry ought to have been held. In its absence he could not be removed from service.

7. In view of foregoing discussion my award is that termination of concerned workman is bad and he will be entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का.आ. 2586—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध, में निदवष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-98 को प्राप्त हुआ था :

[सं. एल-12012/75/95-आई.आर. (बी. II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 17th November, 1998.

S.O. 2586.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 16-11-1998.

[No. L-12012/75/95-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR, U. P.

Industrial Dispute No. 88 of 96.

In the matter of dispute :

BETWEEN :

President P.N.B. Employees Union, 172/184, Bazar Chabulal Aminabad, Lucknow.

AND

Regional Manager, Punjab National Bank, Faizabad, Region, Faizabad.

APPEARANCES :

A. K. Mishra for the management and S. P. Singh for the Union.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/75/95-I.R. (B-II), dated 24-9-1996, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the R. M., Punjab National Bank, Faizabad to issue notice under section (9-A) of I. D. Act to change service condition of Shri D. S. Gupta Head Cashier Category C w.e.f. 22-7-1994 is legal and justified? If not, to what relief is the workman entitled to?”

2. In this case earlier ex parte Award was given on 25-2-1997 which was later on set aside at the behest of the concerned workman. The case of the workman is that he was working as cashier incharge at Gonda Branch since 1990. There came to exist a vacancy of head cashier cat. C at Gonda Branch vide office order dated 2-11-1992. The concerned workman being the seniormost he was given this post in December, 1993. As the vacancy existed from 2-11-1992 he was entitled for this promotion which was illegally denied inspite of his representation. Thus there has been breach in service condition.

3. The management has filed written statement and has explained reason which occurred due to which promotion was not given.

4. I think that the above pleadings are sufficient to non suit the claim of the concerned workman as from the above pleadings it is obvious that it is not a case of breach in service condition which may warrant issuance of notice under section (9-A), of I. D. Act.

5. In view of above my Award is that there had been no breach in service condition under section (9-A) of I. D. Act. Consequently, the concerned workman is not entitled for any relief.

Sd./-

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 17 नवम्बर, 1998

का.आ. 2587—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-98 को प्राप्त हुआ था।

[सं. एल-12012/120/97-आई. आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th November, 1998.

S.O. 2587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute

3203 GI/98—16

between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 16-11-1998.

[No. L-12012/120/97-I.R. (B-II)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

Industrial Dispute No. 232 of 1997.

In the matter of dispute :

BETWEEN :

Ram Karan S/o. Boolam Jaiswal, C/o. A. N. Tripathi, 15/122, Sarsaiya Ghat, Kanpur.

AND

Regional Manager,
Bank of India,
Virendra Samiti Complex,
15/54 Civil Lines,
Kanpur.

APPEARANCE :

Shri A. N. Tripathi : for the workman.

Shri M. K. Verma : for the Management.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-12012/120/97-IR (B-II), dated 27-11-1997 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Bank of India in terminating the services of Shri Ram Karan Subordinate staff (Dafti) at R.C.C., Kanpur, w.e.f. 8-11-95 vide their letter No. RO/P/IL/002142, dated 8-11-1995 is legal and justified? If not, to what relief the said workman is entitled to?”

2. The concerned workman Ram Karan working as Sub-Staff at Bank R.C.C. Branch, Kanpur of the opposite party Bank of India. A charge sheet dated 12-9-1994 was issued to him the copy of which attached as Annexure-I.

One P. N. Kapoor an officer of Bank was appointed as enquiry officer. After completing enquiry he submitted his report dated 26-6-1995. On the basis of this report after issuing show cause notice disciplinary authority passed punishment order dated 8-11-1995 by which the concerned workman was removed from service. Feeling aggrieved the concerned workman has raised the instant industrial Dispute.

3. In the claim statement fairness and propriety of domestic enquiry was challenged. It was also denied that the concerned workman had actually committed this misconduct.

4. On the other hand the opposite party has maintained that enquiry was fair and proper held.

5. On the pleadings of the parties a preliminary regarding fairness and propriety of domestic enquiry was framed on 31-8-1998.

6. The management have file extract of proceedings with report of enquiry officer and the punishment order. I have examined all the papers and gone through the record. In support of their case the management has examined 12 witnesses and further files 34 documents. The concerned workman has examined 3 witnesses but he did not care examine himself. In the enquiry report the enquiry officer has referred the evidence by which the misconduct has been proved. I am inclined to agree with enquiry officer regarding guilt of the concerned workman on the ground that the concerned workman has not dared to examine himself before enquiry officer and fail to cross examine. In its absence adverse inference to be drawn against him. Further the case of the management remains un rebutted.

7. In view of above my finding is that the finding of enquiry officer is not perverse. As regards procedural laps it was submitted that copy of C.B.I. report was not given and further original papers were not shown during the course of enquiry. I find from record that management has not relied upon to C.B.I. report. Further original papers never asked for. Hence this plea appears to be after thought.

8. In view of above no other point rises for consideration.

9. As a result of above discussion my finding is that domestic enquiry was fairly and properly held.

10. As regards punishment it is obvious that prove would lead to loss of confidence. His punishment is also not disproportionate to the misconduct. Accordingly my Award is that removal from service of concerned workman is not bad. Consequently he will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का.प्र. 2588.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचांग को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 को प्राप्त हुआ था।

[सं. एल-12012/125/96-आई.प्र. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 13-11-1998.

[No. L-12012/125/96-IR (B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-1 ABOUT
COURT AT BANGALORE
Dated 16th October, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.
C.R. No. 236/97

I PARTY

Shri B. Suresh Singh
No. 12, I Cross,
Annappa Block,
Palace Gutahally,
Bangalore-20.

II PARTY

The Dy. General Manager,
Canara Bank, Staff Section
Balmatta Road,
Mangalore.

AWARD

The Government of India having satisfied that an Industrial Dispute existing between the parties which requires an adjudication by the Industrial Tribunal has referred the following schedule for adjudication.

"Whether the action of the management of Canara Bank in terminating the services of Shri B. Suresh Singh w.e.f. 12-10-92 is legal and justified? If not, to what relief the said workman is entitled?"

On receipt of the reference the dispute was registered and ordinary notices were sent to the parties. Due to there non appearance the notices under R. P. A. D. was sent. On behalf of the second party a Law Officer was appeared. The first party did not attend though received the notice and acknowledged it. The second party represented by an authorised agent.

To give one more opportunity on 12-10-98 after noting the absence of the first party the case is adjourned for the appearance of the first party. The first party once again remained absent.

In these circumstances the reference can not be adjudicated. In the result the following order is made.

The reference is rejected for non prosecution.
JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का.आ. 2589—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-98 को प्राप्त हुआ था।

[सं. एल-12012/155/96-आई.आर. (बी-ii)]
सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2589.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 13-11-98.

[No. L-12012/155/96-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT BANGALORE.

Dated 16th October, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.
C.R. No. 239/97

I PARTY

Smt. K. Shantha Kumari
1/3-9/2, I Cross
Damodar Mudaliar Street
Ulsoor, Bangalore-8.

II PARTY

The Chairman
Canara Bank, (Head Office)
J.C. Road, -Bangalore-1.

AWARD

This reference is registered on a reference made by the Government of India for adjudication of the dispute between the parties as per the schedule.

“Whether the action of the management of Canara Bank in dismissing the services of Smt. K. Shantha Kumari is legal and justified ? If not, to what relief the said workman is entitled ?”

After registering the dispute the notices were issued to both the parties by ordinary post. They did not appear. The court notices was issued to both parties.

Consequent to these notices the second party appeared by a Law Officer. The first party found absent on 12-10-98. However the case is adjourned to 16-10-98 for the appearance of the first party. The first party once again remained absent.

In view of these circumstances there is absolutely no scope to adjudicate the reference and consequently the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का.आ. 2590—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-98 को प्राप्त हुआ था।

[सं. एल-12012/163/96-आई.आर. (बी-II)]
सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2590.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 16-11-98.

[No. L-12012/163/96-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR, U. P.

Industrial Dispute No. 96 of 97

In the matter of dispute between :

Regional Manager
Punjab National Bank
Regional Office,
Chowk Faizabad

AND

The Assistant General Secretary
PNB Staff Association
C/o Punjab National Bank,
Mandi Extension Counter
Fatehganj, Faizabad.

APPEARANCE :

B. P. Saxena for the union and Sri Ashok
Mishra for the Management Bank.

AWARD

1. Central Government, Ministry of Labour,
vide notification No. L-12012/163/96-IR (B-II)
dated 26-6-97, has referred the following dispute
for adjudication to this tribunal :—

Whether the action of the management of
Punjab National Bank Faizabad to im-
pose punishment of stoppage of three
increment of Sri Sharad Mishra clerk
PNB, Faizabad w.c.f. (not printed in the
schedule of the reference order).

2. The concerned workman Sharad Mishra was
working as cashier-cum-clerk in Fatehganj Branch
in District Faizabad of the opp. party Punjab
National Bank. He was issued a chargesheet dated
7-1-92, copy of which is attached herewith.
Madhur Kumar Saxena was appointed enquiry
officer. After completing enquiry he submitted his
report dated 1-10-93 and on the basis of this report
the disciplinary authority vide order dated 14-2-94
awarded punishment by way of stoppage of three
annual grade increment. Feeling aggrieved the con-
cerned workman has raised the instant industrial
dispute.

3. In the claim statement the fairness and pro-
priety of domestic enquiry was challenged which
fact was denied. In the written statement filed by
the management the management alleged that the
enquiry was fairly and properly held. On the plea-
dings of the parties a preliminary issue regarding
fairness and propriety was framed.

4. The parties have been heard on the above
issue. In this regard I have also gone through the
proceedings and the enquiry report, a perusal of
enquiry report would go to show that the enquiry
officer has not recorded evidence of any manage-
ment witness. Instead he has referred to the state-
ment made by the presenting officer while accep-
ting the case of the bank. The concerned workman
has denied the charges hence it was necessary that
some one like the branch manager or any one ac-
quainted with the case ought to have been examined
as the witness of the management to prove the do-
cuments. On the basis of which charges were sought
to be proved. In its absence it is a case of no evi-
dence, consequently the report of the enquiry
officer is also perverse and is hereby set aside.

5. I have gone through the written statement
filed by the bank and find that they have not re-
served their right to prove the misconduct before
this tribunal if the enquiry report is set aside. In
view of settled law management is not entitled for
fresh opportunity.

6. Accordingly my award is that punishment
awarded to the concerned workman by order dated
14-9-94 is bad consequently he will be entitled for
all consequential benefits on the premises as if no
punishment was awarded to him.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1998

का.आ. 2591.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण, में, केन्द्रीय
सरकार पंजाब नेशनल बैंक के प्रबंधकों के संबंध नियोजकों
और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक
विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के
पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को
16-11-98 को प्राप्त हुआ था।

[मं. एल-12012/361/95-आई. आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th November, 1998

S.O. 2591.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the
Central Government hereby publishes the award
of the Central Government Industrial Tribunal,
Kanpur as shown in the Annexure in the Indus-
trial Dispute between the employers in relation to
the management of Punjab National Bank and
their workman, which was received by the Central
Government on 16-11-98.

[No. L-12012/361/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT, PANDU
NAGAR, KANPUR, U. P.

Industrial Dispute No. 52 of 1997

In the matter of dispute between :

Kishore Kumar son Sri Raghubir Prasad
78 Hardeo Ganj District Hardoi.

And

Regional Manager
Punjab National Bank
Bareilly Region,
Nainital Road, Bareilly.

APPEARANCE :

R. S. Tiwari for the workman. Sudhir Sharma
for the Bank.

AWARD

1. Central Government Ministry of Labour vide notification No. L-12012/361/95-I.R. (B. II) dated 4-3-92, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank Hardoi in terminating the services of Sri Krishna Kumar son Raghubir Prasad w.e.f. 15-6-88 is legal and justified ? If not, to what relief is the workman entitled ?

2. The case of the concerned workman Krishna Kumar is that he was engaged as a peon at Hardoi Branch of the opposite party Punjab National Bank on 4-9-85 and worked continuously upto 15-6-88, when his services were terminated in breach of provisions of Sec(s) 25F, G and H of I. D. Act.

3. The case of the opposite party bank is that the concerned workman was never engaged as peon. Instead of and on he was engaged as daily rated worker as canteen boy. There was no relationship of master and servant between the two. Hence the question of compliance of section 25F, G and H does not arise at all in the instant case..

4. In the rejoinder nothing new has been alleged.

5. In support of his case the concerned workman examined himself as W.W.1 besides he has filed ext. W-1 to W-59. In rebuttal management examined its officer Virendar Singh as M.W.1.

6. At the outset it may be mentioned that there is no evidence about the breach of provisions of section 25G of I.D. Act.

7. As regards breach of provisions of section 25H of I.D. Act, the concerned workman Kishore Kumar has stated that after his termination Shiv Ratan has been engaged. It may be mentioned that this name was not disclosed in the claim statement. In its absence this evidence appears to be after thought consequently I do not accept it. Hence, it is held that there has been no breach of provisions of section 25G of I.D. Act.

8. Now it may be seen if the concerned workman was engaged as a peon. In this regard there is evidence of Krishna Kumar W.W.1 which fact has been denied by Virendra Singh M.W.1. Management witness has further stated that there were already seven permanent peons working in this branch and there was no need of peon. This fact has not been denied by the workman. Hence I accept it. It is accordingly held that as there were already full strength of peon at this branch, there was no occasion for management to engage a fresh peon. Instead he would have been engaged as canteen contractor. Thus my finding is that concerned workman was never engaged as a peon. Instead he was a canteen contractor. In this way there was no relationship of master and servant between the two, hence there was no occasion for compliance of provisions of section 25F of I. D. Act.

9. As a result of above discussion my award is that there was no termination of the concerned workman as such question of its being bad does not arise. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1998

का.भा. 2592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-42012/160/95-आई. आर. (डी यू.)]

के.वी.वी. उण्णो, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the

industrial dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on the 19-11-98.

[No. L-42012/160/95-IR(DU)]

K.V.B.UNNY, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. LD. 95/96

Shingara Singh Assistant Operator, C.P.W.D. Bantalab, Jammu.

VERSUS

- (1) Executive Engineer, (Electrical), Srinagar. Electrical Division, C.P.W.D., Jammu
- (2) The Superintending Engineer, DCEC-II, C.P.W.D., R.K. Puram, New Delhi.

For the workman : None.

For the management : Shri A.K. Singh and R. C. Sharma.

AWARD

Passed on 27-7-1998

The Central Govt., Ministry of Labour, vide gazette notification No. L-42012/160/95-IR (DU) dated 1st of October 1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the workman Shri Shingara Singh presently Assistant Operator, is entitled for regularisation of his services as Motor Lorry Driver ? If so, to what relief he is entitled to ?”

2. Today the case was fixed for filing of claim statement by the workman. A letter has been received through registered post from the Union stating that the workman had already been promoted and there exist no dispute with the management. The letter is marked as ‘A’.

3. In view of the stand taken by the union that the workman has already been promoted, there exists no industrial dispute. The reference is disposed off accordingly and returned to the Ministry. Ministry be informed accordingly.

Chandigarh.

B. L. JATAV, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल तसर रिसर्च एण्ड ट्रेनिंग इंस्टीट्यूट पालमपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-42012/43/92-आई.आर. (डी. यू.)]

के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Tasar Research & Training Institute, Palampur and their workman, which was received by the Central Government on the 19-11-98.

[No. L-42012/43/92-IR(DU)]

K.V.B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. ID 51/93

Subhash Chand Baniyal, House No. B-8, PSEB Colony, Jogindernagar. ... Petitioner

VERSUS

Director, Central Tasar Research Institute, Mehal Post Nirmon No. 1 West and Park Ranchi-Bihar.

2. Asstt. Director, Central Tasar Research Institute, Extension Centre, Palampur. ... Respondents.

APPEARANCES :

For the workman—Shri Dhanu Ram

For the management—Shri Raja Ram

AWARD

Passed on

The Central Government vide Gazette Notification No. L-42012/43/92-IR(DU) dated 22nd

March, 1993 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Asstt. Director, Central Tasar Research & Training Instt., Research Extension Centre, Central Silk Board, P.O. Palampur, Distt. Kangra (HP) in terminating the services of Shri Subhash Baniyal w.e.f. 10-6-91 is justified? If not, what relief the workman concerned is entitled to?”

2. The claim of the workman in brief is that he was employed as daily wages unskilled workman under the management and he joined his duty on 24-5-1985. His services were terminated w.e.f. 10-10-1986. The matter was referred to conciliation officer. As per terms of the conciliation proceedings he was taken back on duty and he joined his services on 26-3-1988. After serving for the period of three years, his services were terminated w.e.f. 10-6-1991 on the charge of theft of silk yarn (Tasar). Workman has alleged in the claim statement that he was not given an opportunity to defend himself in the domestic enquiry. That enquiry was conducted behind his back and consequently he was removed from the service. He was not given any benefits relating to his service. Therefore, he is entitled to be reinstated from 10-6-1991 and he should be paid back wages @ Rs. 660/- per month.

3. The management has submitted its written statement. It is alleged in written statement that the Central Tasar Research & Training Institute has not come within the definition of 'industry'. therefore, the provisions of ID Act 1947 do not apply. Therefore, his claim must be dismissed. It has also been alleged in the written statement, that he stole the tasar Silk and after getting complaints regarding theft of the tasar (Silk) the preliminary enquiry was made and the statement of the witnesses were recorded. The explanation of the workman was also called. He admitted the alleged offence. After conclusion of the preliminary enquiry, the management decided to conduct regular domestic enquiry. The charge sheet was served upon him but he refused to take charge sheet. The memorandum of the witnesses was prepared and the enquiry was started. He was again tendered the notice to attend the enquiry but he did not appear to defend himself. After recording of the statement of the witnesses the enquiry officer arrived at the conclusion that the workman was guilty of misconduct, consequently, appointing authority terminated his services and he was removed from the service of the Training Institute.

4. It has also been stated in the written statement that the workman raised no objection regarding the appointment of the enquiry officer. Now he cannot raise any objection in this proceedings. Therefore, his claim may be rejected and reference be answered accordingly.

5. In this case it is admitted fact that the workman was employed as daily wages unskilled workman and he was removed from service w.e.f. 10-6-1991 after holding the regular domestic enquiry.

6. The workman submitted his affidavit and he was cross-examined by the management. The management submitted the affidavit of B.C. Pandey, Senior Technical Asstt. of the Institute. He has been cross-examined by the workman. The management has produced the proceedings of the preliminary and domestic enquiry. During the course of enquiry the statements of R.P. Singh Senior Research Asstt., Asstt. Technical Ashok Kumar and area Asstt. B.K. Jalali and Vice President Gram Panchayat Bir were recorded. On going through the statement of the witnesses it has been evidently proved that the workman had stolen the tasar silk which was found in his room in the course of search made by Shri R.P. Singh in the presence of Vice President of Gram Panchayat and other official. Therefore, the findings of the enquiry officer cannot be interfered with by this Tribunal.

7. The enquiry officer had issued a notice to the workman to attend the enquiry but the workman refused to receive the notice. Therefore, he has wilfully avoided the enquiry. In the cross-examination of the witness of the management B.P. Pandey MW1, no fact has come on record against the management, therefore, no adverse inference can be drawn against the management. The workman has admitted in his cross-examination that he had received charge sheet Ex. W4 and submitted his explanation Ex. W5. He also admitted in his statement that the enquiry officer was lower division clerk. On going through the material placed before this Tribunal it is found that lower division clerk Ravi Parkash was appointed as enquiry officer whose cadre is higher than the workman. Besides this the workman had not raised any objection regarding the appointment of Ravi Parkash as enquiry officer, therefore, the objection raised in this respect in the claim statement before this Tribunal has no force.

8. The management has raised an objection in written statement that the Central Tasar and Training Institute does not come within the definition of 'Industry'. But this contention cannot be accepted. In State of Bombay Vs. Hospital Mazdoor Sabha (AIR 1960 S.C.) 610 and in Ahmedabad Textile Industry Vs. State of Bombay (AIR 1961 SC 484), it has been held by the Hon'ble Supreme Court that if a research and Scientific Institute is established for the purpose of research and other scientific work in connection with any trade or industry, certainly comes within the definition of 'Industry'. The research made by such institutions are used for the benefit of concerned industry. The

management's institute has been established for the research of Tasar silk which relates to the silk industry. Thus the objection raised by the management is of no avail.

9. In view of the discussions made in preceding paragraphs, this Tribunal comes to the conclusion that the claim of the workman is baseless. He was a casual daily wages workman. He can be retained in service after the conclusion of the enquiry or he may be removed from service. Other punishment except removal cannot be inflicted on the casual labourer. Therefore, the reference is answered in affirmative holding that the action of the management of the Asstt. Director Central Tasar Research & Training Institute, Research Extension Centre, Central Silk Board, Palampur District Kangra (HP) in terminating the services of the workman w.e.f. 10-6-1991 is justified and the workman is not entitled to any relief. Appropriate Govt. be informed. Chandigarh,

15-9-98

B. L. JATAV, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल प्लांटेशन क्रोप्स रिसर्च इंस्टीट्यूशन रीजनल स्टेशन, कायम कुलम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अलाप्पुझा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-42012/3/95-आई.आर. (डो. य.)]

[सं. एल-42012/63/95-आई.आर. (डी. य.)]

के.वी.बी. उणी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Alappuzha as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Plantation Crops Research Institute Regional Station, Kayamkulam and their workman, which was received by the Central Government on 19-11-1998.

[No. L-42012/3/95-IR(DU)]

No. L-42012/63/95-IR(DU)]

K. V. B UNNI, Under Secy.

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL : ALAPPUZHA

(Dated this the 20th day of October 1998)

PRESENT :

Shri K. Kanakachandran, Industrial Tribunal.

I.D. No. : 9/96

BETWEEN

The Head/Joint Director, Central Plantation Crops Research Institution Regional Station, Kayamkulam.

AND

The workmen of the above concern Sri K. Haridas, N. Reghu, K. Balu, and S. Venugopala Pillai.

REPRESENTATIONS :

Sri C. N. Radhakrishnan, Advocate, 156 MIG Gandhi Nagar, Cochin-682 020.—For Management.

Sri R. Sankarankutty Nair, Advocate, Mullakkal, Alappuzha.—For Workmen.

I.D. No. : 19/96

BETWEEN

The Joint Director, Central Plantation Crops Research Institute Regional Station, Kayamkulam, Krishnapuram P. O.

AND

The workman of the above concern Sri N. Mohanan, Mattatheril Thekkathil, Chervally, Kayamkulam.

Representations :

Sri C. N. Radhakrishnan, Advocate, 156 MIG Gandhi Nagar, Cochin-682 020.—For Management.

Sri R. Sankarankutty Nair, Advocate, Mullakkal, Alappuzha.—For Workman.

AWARD

1. These two industrial disputes were referred by the Government of India on 27-3-1996. The issues referred for adjudication were more or less similar. As requested by the parties, both disputes were tried and heard together and hence this common award.

2. In ID 9/96, which is referred through order No. : 42012/3/95-RCU, dated 27-3-96 the issues were as follows :—

“Whether the claim of Sri K. Haridas, N. Reghu, K. Balu and S. Venugopala Pillai for regular employment with the management of Central Plantation Crops Research Institute, Regional Station, Kayamkulam is legal and justified? If so, what relief the workmen are entitled to and from what date?”

3. In the other dispute I.D. 19/96, the issues referred for adjudication were :

“Whether the demand of Sri N. Mohanan who was employed as Casual Mazdoor by the management of CPCRI (Regional Station)

Kayamkulam between 1977 and 1993 for regular appointment is legal and justified? If not, to what relief the workman is entitled to ?”

4. The workmen concerned in these disputes were working as casual mazdoors under the management establishment fairly for a long period. According to the workmen in I.D. 19/96, he had been working in the Management Institute right from the year 1977 onwards continuously. It is the case of the workmen that the management institute is having about 110 acres of plantation in which about 5000 coconut trees were planted. These workmen were continuously engaged for coconut plucking, collection of various samples and insects for experiments, spraying pesticides and mixing and applying fertilizers. The works done by them were of perennial in nature and were mainly connected with the main functionings of the management institute. Since they were employed continuously fairly for a long period, they are entitled to be considered as regular employees. Very often they were shifted to various wings and sections of the Research Institute. Four of them are belonging to the Schedules Cast. While they were working, they were given only daily wages. As per the standing orders issued by the Ministry of Labour, Government of India dated 28-4-1982 and endorsed by the Indian Council of Agricultural Research, Casual Mazdoors like workmen are entitled for regularisation when they have to their credit at least six months continuous service. Such standing orders were issued to discourage the practice of both employers under the Government and the private establishments to engage workers on casual basis fairly for a long period. In that it was stipulated that the workmen who satisfy the conditions for being treated as having continuous service as per the provision in Sec. 25B of the Industrial Dispute Act 1947 were eligible for regularisation in service. Despite repeated requests made by their workmen, the management was hesitant to give regularisation to them. In that circumstance, five workmen including the four workmen concerned in I.D. 9/96 had approached the Central Administrative Tribunal by filing O.A. No. : 1718/91. By judgment dated 23-4-1994, the Ernakulam Bench of the Central Administrative Tribunal disposed of the Original Application with a direction that the case of the applicants should be considered for regular appointment by taking into account their past service, qualification and eligibility. It was also made clear that they were eligible for the relaxation in age and other qualifications in connection with the regularisation by virtue of their long service. Although the management establishment filed a review petition against that judgment, the same was rejected by the Central Administrative Tribunal. Even after that the management was not prepared to give regularisation to them. Only one among them was given regularisation later.

5. The management filed counter statement in both disputes more or less raising the same components. According to them, none of the workmen are eligible for regularisation, because, all of them were casual Mazdoors in respect of whom no muster rolls were maintained by the management institute. The workmen had never been engaged as casual Mazdoors and they were only supplying insects occasionally

and for that they were paid against the bills submitted by them. Such work orders were given to them depending upon the requirements. Such engagement of them was neither as casual employees nor as contract employees. The management establishment is a scientific organisation under the Indian Council of Agricultural Research for short “ICAR” and that is not at all an industry. Therefore the provisions of either Industrial Dispute Act or Industrial Employment standing orders Act are not applicable to the establishment. It is an autonomous body having specified recruitment rules. Whenever vacancies in the establishment arise candidate are selected after the issuance of notification through Employment Exchange. Selections are being made by independent selection committee consisting of responsible officers including outside experts. In the original application filed before the Central Administrative Tribunal, the decisions were only to the effect that if these workmen were qualified or eligible for appointment, their case should be considered. In the light of the directions of the Tribunal, the selection committee considered the cases of workmen in these disputes. Out of five applicants before the Central Administrative Tribunal in O.A. 1718/1991, only one worker Kumaran was found fit and accordingly he was selected. Since none of them were engaged as casual mazdoors, they are ineligible for regularisation as a matter of right.

6. Before going to the merits of the contentions raised by the parties in this dispute, it will be appropriate to decide the question of maintainability raised by the management about this dispute. According to them management establishment is a unit of Indian Council of Agricultural Research and the latter is not at all an industry. In view of that, the guidelines contained in the standing orders dated 28-4-82 issued by the Ministry of Labour, Government of India, in the matter of regularisation of casual labourers are not applicable to the workmen concerned. On which ground and in what manner a Research Institute like the management establishment would not come under the definition of ‘industry’ as defined in the Industrial Dispute Act is not explained by the management. It is not brought to the notice of this Tribunal any notification issued by the appropriate Government excluding the establishment like the management from the purview of the definition of ‘industry’. Therefore, in such a situation, normally an establishment like the management will also come within the purview of industry. The concept of the ‘industrial dispute’ had been subject to elaborate discussions in the leading decision rendered by the Supreme Court in the Bangalore Water Supplies case (1978 1 LLJ 349). In the above case, distinction has been made about the sovereign functions of the Government or Governmental institutions. If the activities of Governmental institutions are not coming within the comprehension of the ‘sovereign functions’ of the Government, such institutions will come under the general term of ‘industry’. The rationale of that decision was examined by the Supreme Court in Chief Conservator of Forest and another Vs. Jagannath Maruti Koudhare (1996 1 LLJ 1223). It is relevant to note a passage from that judgment :

“17. This being the position, we hold that the aforesaid scheme undertaken by the Forest Department cannot be regarded as a part

of sovereign function of the State and so, it was open to the respondents to invoke the provisions of the State Act. We would say the same qua the social forestry work undertaken in Ahmednagar district. There was, therefore, no threshold bar in knocking the door of the Industrial Courts by the respondents making a grievance about adoption of unfair labour practiced by the appellants”.

7. So long as the work carried out by the management establishment through the workmen concerned were not at all sovereign functions, it cannot be said that no industrial dispute will lie against the management. Therefore the contention on the maintainability of the dispute raised by the management can only be rejected.

8. It is the specific allegation of the workmen that the refusal to give regularisation in service to them was an unfair labour practice on the part of the management. According to their clear guidelines were given by the Government of India through the draft model standing orders in the matter of regularisation of casual employees and those standing orders were in force with effect from 28-4-1982. On the question of regularisation, it was made clear in Clause 15 of that model standing orders and that reads as follows :—

“15. Regularisation : (1) A casual workman who has completed six months of continuous service in the establishment or in the same or in the same employer within the meaning of Sub Clause (b) of Clause II of Sec. 25-B of the Industrial Dispute Act 1947 shall be brought on to the regular strength of the establishment and his pay shall be fixed at the minimum in the time scale of the pay applicable to the work he has been doing as a casual workmen.”

9. Basing on the above guideline contained in the standing orders issued by the Ministry of Labour on 28-4-1982, circular was issued by the Indian Council of Agricultural Research, Krishibhavan, New Delhi on 23-6-1982 to all the subsidiary units, for necessary action. The standing orders were also circulated to all the Research Institutes under it. It is not in controversy that the management establishment in this dispute is one of the Research Institutes under the council. That is evident from the documents produced by the management themselves which is marked before this Court. (Annexure C of Ext. M3). Therefore the contention that the guidelines contained in the standing orders are not applicable to the management is of no basis. In this context it is to be noted that basing on the directive contained in the circular, management establishment took steps for the regularisation of casual employees who had worked under it and who satisfied the minimum casual service of six months in the establishment. Ext. M4 marked in the evidence (in ID 9/96) is one of the select lists prepared by the management based on the guidelines. That list contains 20 names which include the names of two of the workmen concerned in the dispute ID No. : 9/96 viz. N. Reehu and Venugopala Pillai. Although that select list was prepared on

28-1-1983, the management did not make any attempt to give regular appointment to any of those twenty candidates whose names were included in Ext. W-4. In view of the inordinate delay in making appointment, 11 persons from that select list had approached the High Court of Kerala by filing O.P. No. : 8557/83 by seeking the relief of regularisation in service. They filed above writ petition at a time when management started discontinuation of even the casual service in respect of them. However on the strength of interim stay passed by the High Court, they were continuing as casual mazdoors after the filing of writ petition. After the constitution of Central Administrative Tribunal, the writ petition filed by the eleven of such workmen was transferred to the Central Administrative Tribunal, Madras having the jurisdiction then. That original petition was renumbered there as T.A. No. : K-597/87. After the constitution of Bench at Ernakulam it was heard by the Central Administrative Tribunal, Ernakulam and passed an order directing the management to regularise the services of the applicants if they would satisfy the eligibility conditions for absorption. Based on the judgment, all the eleven petitioners therein were regularised in service without any delay. Since the relief of regularisation was confined to only those eleven persons from the select list Ext. M4, the workmen concerned herein also moved the Central Administrative Tribunal by filing O.A. No. : 1718/91. By the judgment dated 23-4-1993 after making reference about the provisions contained the standing orders and also the continuous casual service of several years rendered by these workmen, the Central Administrative Tribunal directed by the management to consider their case also for regularisation even by relaxing the restrictions regarding the age and qualifications. On the basis of direction contained Ext. W1 judgment, the management conducted special interview which resulted in Ext. M2 proceedings. That proceedings will show that reconsideration was only an eye wash. However only one among them viz., N. Kumaran who was over aged for eight years, was recommended for appointment and he was later appointed on regular basis. Ext. M2 proceedings will show that Kumaran was given appointment by relaxing over age for about eight years. In Ext. M2 it is stated that minimum qualifications prescribed for the post of Chamber-cum-Mazdoor is a pass in primary school and that means a pass in 4th Standard. Since two of the workmen viz., N. Reghu and Babu were found to be not passed 4th Standard, they were disqualified in Ext. M2 proceedings. Regarding Venugopala Pillai, the disqualification attributed was on the ground that he refused to climb coconut tree. Whereas in the case of Haridas, the disqualification was on the ground that he was unsuccessful in climbing the coconut tree. In this context it is to be noted that about 10 years prior to Ext. M2 proceedings, Venugopala Pillai and Reghu were found to be suitable for regular appointment through Ext. M2 proceedings of another Selection Board. Both of them did not have any sort of disqualification at that time for doing the job of Mazdoor. In one breath the management would say that since there were not much vacancies, only eleven candidates could be appointed from Ext. W4 list. But now they say that two of the selected candidates were not suitable for appointment. The fact is that even those eleven candidates from that select list had got appointment only when they approached the High

Court and obtained direction for their appointment. Moreover, in terms of standing orders issued by the Central Ministry of Labour which were endorsed by the National Council of Agriculture Research, all the candidates in the select Ext. W-4 were eligible for regular appointment. Since the management did not act upon, there were litigations one after another.

10. In the case of workmen concerned in I.D. 19/96, he had also approached the Central Administrative Tribunal Ernakulam. After considering his case, the Central Administrative Tribunal directed him to file a representation highlighting his claims for regular appointment. Ext. W-3 is the representation submitted by him pointing out the service details. That representation was also rejected by the management. Then after he raised this industrial dispute. In support of this contention that he was working as a casual labour from 1977 he had produced Ext. W1 certificate issued by one Chacko Mathew who was a senior Scientist Grade-I working in the management Institute. In that certificate it is stated that the workmen N. Mohanan had been engaged in the Research Institute for about three years prior to that for taking basins, mixing and applying of fertilizers, collection of samples and similar other works. No doubt, the nature of work he was doing was closely connected with the Research work of the management establishment. Ext. W2 is another certificate given by Dr. N. P. Jayasankar, Joint Director of the management Institute who retired from service some time in the year 1991. He had also certified that worker N. Mohanan was engaged for various works connected with the Research Institute. His academic qualification of a pass in 6th standard was sufficient for being appointed as last grade Mazdoor. On behalf of the management it was submitted that Ext. W1 and W2 certificate were not competently given by the concerned and therefore no validity could be attached to those certificates. In this connection, it is to be noted that all these workmen concerned were engaged in the Research Institute continuously for doing casual works connected with the research work. They were practically helping the Scientists in the discharge of their research works. Physical labour was required for that and hence they were engaged on casual basis continuously. Finding such casual engagement pretty for a long time, the Central Labour Ministry was compelled to issue guidelines in the form of model standing orders for the purpose of regularisation and the same was endorsed by the Central Agricultural Research Institute. While this casual workmen were employed, they were given only payments through vouchers. There was no system of marking attendance or keeping registers in respect of their engagement in a systematic manner. In that circumstance only way for them to show their rendering of service for a long time was to obtain certificates from the Senior Scientists working in the establishment. Those Scientists had tendered evidence also before this Tribunal asserting genuineness of the certificates. Since those certificates being the only proof showing the rendering of service, there is no justification to discard the same on the ground that the concerned Scientists were not authorised to issue any certificate like that.

11. The evidence discussed above have to be tested with the rational laid down by the Supreme Court in

various decisions. On the impropriety of engaging the workmen on casual basis fairly for long period, the Supreme Court observed in Chief Conservator of Forest Vs. Jagannath Maruti Kondhare [1996 (1) LLJ 1223] as follows :

"Engaging employees on casual basis for indefinite period is nothing but an unfair labour practice which is defined in Schedule IV of the Industrial Dispute Act."

12. One of the unfair labour practices defined as item 10 in Schedule V of the I. D. Act is the engagement of workmen as badalies, casual or temporaries and to continue as such for years with the object of depriving them of the status and privileges of permanent workmen.

13. After elaborately discussing the entitlement of casual labourers for permanency, the Supreme Court had observed in Paragraph 26 of the above decision reported in 1996 (1) LLJ 1223 as follows :

"Therefore, what was stated in the aforesaid case cannot be called in aid at all by the appellants. According to us, the case is more akin to that of State of Haryana V. Piara Singh [1993 (11) LLJ 937] in which this Court favoured the State scheme for regularisation of casual labourers who continued for a fairly long spell say two or three years. As in the cases at hand, the concerned workmen had, by the time they approached the Industrial Courts worked for more or less 5 years continuously, no case for interference with this part of the relief has been made out."

14. While having a reading on the rational contained in the above referred decision with the provisions contained the model standing orders then in force, no doubt, continuous casual employment for a period of six months would make eligible these workmen for permanency. Even in 1983 itself two of the workmen (in ID No. 9/96) were found to be suitable for regular appointment and their names were included in the select list. Despite their selection for appointment they were continuing as casual labourers. Only at the intervention of Central Administrative Tribunal, even eleven of the similarly placed workman got ultimately appointment sometime the year 1990. Since these workmen were not parties in that litigation, they were not considered for appointment. In that circumstances they filed a separate application O.A 1718/91 and obtained favourable orders. Pursuant to Ext. W1 judgment of the Central Administrative Tribunal, only one of the five petitioners were appointed. This kind of attitude on the part of the management is also nothing but an unfair labour practice. If the provisions of model standing orders framed by the Central Labour Ministry as early as on 28-4-1982 were not endorsed by the Indian Council of Agricultural Research, of course it should have been possible for the management to contend that standing orders are not applicable to the workmen concerned. From the documents produced by the management themselves in this dispute, it is amply clear that at the time when endorsement was given by the Indian Council of

Agricultural Research to the standing orders in the year 1982, the workmen concerned had sufficient casual service for regularisation. The learned counsel for the management could not point out any rule or notification which would prohibit regularisation of over aged central employees. That is why even by relaxing the over age of eight years, one similarly placed workman, N. Kumaran was given appointment and that is evident from Ext. M2 proceedings.

15. In the light of the above discussion it is held that the workmen concerned are entitled for regularisation in service from the date on which N. Kumaran was given appointment pursuant to Ext. M2 proceedings. Their pay and allowances shall also be fixed accordingly, from that date and arrears be disbursed.

Award is passed accordingly.

K. KANAKACHANDRAN, Industrial Tribunal

APPENDIX

I.D. No. 9/96(C)

Witness examined on the side of the Management:
MW1 : Jacob Mathew.

Witness examined on the side of the worker:

WW1 : Venugopala Pillai.

WW2 : Haridas

Exhibits marked on the side of the Management:

M1 : Copy of the order No. : 1-2/88 per IV dated 31-7-1989 issued by the Management establishment.

M2 (series) : Copy of the Proceedings of the Selection Committee meeting held on 21-12-1993 for selection of candidates for the post of the supporting staff Gr. I (Climber-cum-Mazdoor).

M3 : Copy of the Application in OA No: 1718/91 filed by the workers before the Central Administrative Tribunal, Cochin (32 pages).

M4 : Copy of the Reply statement filed by the Management in OA No. : 17/8/91 (17 pages).

M5 : Copy of the letter F-Conf/97 dt: 15-7-97 of P. K. Koshy, Head CPCRI (RS), Kayamkulam addressed to Sr. A. Muraleedharan, Head CPCRI (Regional Station) Minicoy, Lakshadweep. Camp : CPCRI (RS), Kayamkulam.

M6 : Reply letter dtd. 15-7-97 of Dr. A. Muraleedharan, Head, CPCRI Regional Station for Lakshadweep addressed to the Head, CPCRI (RS) Kayamkulam.

M7 : Copy of the Judgment in OA No: 412/97 dated 10-7-97 of the Central Administrative Tribunal, Ernakulam Bench.

Exhibits marked on the side of the workers:

W1 : Judgment dtd. 23-4-93 in OA-1718/91 of Central Administrative Tribunal, Ekm Branch.

W2 : Judgment dtd: 8-7-93 in RA No: 66/93 in OA No : 1718/91 of Central Administrative Tribunal, Ernakulam Branch.

W3 : Copy of the Judgment in OA No. 1095/1994 dtd: 26-9-94 of Central Administrative Tribunal EKM branch.

W4 : Copy of the selection list dtd: 28-1-83 prepared by the Management establishment for the post of climber-cum-manager.

W5 : Certificate dtd. 17-1-83 issued by Dr. A. Muraleedharan Scientist, S-2 CPCRI, Kayamkulam.

W6 : Certificate dtd. 3-10-91 issued by B. Athiamma, Scientist, S-G, CPCRI, Kayamkulam to Haridas one of the workers in this dispute.

I.D. No : 19/96(C)

Witness examined on the side of the worker:

WW-1 : N. Mohanan.

WW-2 : Jayasankar.

Exhibits marked on the side of the worker:

W1 : Certificate dtd: 24-6-80 issued by Chacko Mathew, Scientist, S-I, CPCRI, Kilm to N. Mohanan.

W2 : Certificate dtd: 21-12-90 issued by Dr. N. F. Jayasankar Joint Director, CPCRI, Kayamkulam to N. Mohanan.

W3 : Copy of the Application dtd. 25-2-93 submitted by N. Mohanan before the Director, CPCRI, Kasargod and the Joint Director, CPCRI, Kilm.

W4 : Copy of the Judgment in OA No: 863/93 dtd: 26-4-94 of the Central Administrative Tribunal, Ekm Bench.

नई दिल्ली, 19 नवम्बर, 1998

का.प्र. 2595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट टेलीग्राफ ट्रैफिक, भोपाल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[स. एल-40012/104/89-डी. 2 (बी)]

के.बी.बी. उज्ज्वी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sr. Supd., Telegraph Traffic, Bhopal and their workman, which was received by the Central Government on the 19-11-1998.

[No. L-40012/104/89-D. 2 (B)]

K. V. B. UNNY, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर म.प्र.

डी. एन. दीक्षित पीठासीन अधिकारी

प्र. क्र. सीजी आई टी/एलसी/आर 32/90

श्री ब्रह्मदेव राम

पुराना यूनानी बक्खाना,

शाहजहानाबाद,

भोपाल (म. प्र.) 462 001

—प्रार्थी

विरुद्ध

सीनियर सुप्रीन्टेण्डेंट टेलीग्राफ

भोपाल डिवीजन, सीटीओ बिल्डिंग,

भोपाल (म. प्र.) 462 003

—प्रतिप्रार्थी

अर्वाइ

दिनांकित : 29-10-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं. एल-40012/104/89-डी-2 (बी) दिनांक 30-1-90 के द्वारा निम्न लिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

अनुसूची

“Whether the action of the management of the Sr. Supdt. Telegraph Traffic, Bhopal Dn., Bhopal in terminating the services of Sri Brahmddev Ram, Casual worker is justified? If not, to what relief the workman is entitled to?”

2. श्रमिक ब्रह्मदेव राम के अनुसार दिनांक 1-5-85 से उसे प्रबंधन ने केजुअल लेबर नियुक्त किया और चौकीदार का काम लेना प्रारंभ किया। श्रमिक ने चौकीदार के रूप में 1-5-85 से 18-6-87 तक लगातार काम किया है। दिनांक 18-6-87 को श्रमिक को सेवा से पृथक् किया गया। इसके लिखित आदेश उसे नहीं दिये गये। पृथक् करने का यह आदेश रिट्रैन्चमेंट है। किन्तु उसे नोटिस नहीं दिया गया तथा छांटनी मुआवजा भी नहीं दिया गया। प्रबंधन ने कई स्थानों पर टेलीग्राफ ब्यूरो खोले हैं तथा नये व्यक्तियों को नौकरी दी है इन नये स्थानों पर श्रमिक की नियुक्ति नहीं की गई। श्रमिक

ने निष्ठा और ईमानदारी से अपनी सेवाएं की थी तथा उसकी सेवाओं में कोई कमी प्रबंधन ने कभी नहीं गिनाली। श्रमिक को नौकरी से निकाला जाना कानून और नियमों के विपरीत है। श्रमिक चाहता है कि यह घोषित किया जाए कि उसका सेवा से निकालने का आदेश अवैधानिक है और वह अब भी नौकरी में है। श्रमिक दिनांक 18-6-87 से अभी तक वेतन और भत्ते की भी मांग कर रहा है।

3. प्रबंधन के अनुसार श्रमिक की नियुक्ति दैनिक मजदूरी पर थोड़े समय के लिए अस्थाई पद पर की गई थी। श्रमिक ने कुछ दिन सीनियर सुप्रीन्टेण्डेंट ट्रेफिक डिवीजन, भोपाल के कार्यालय में काम किया और कार्य समाप्त होने पर डीएम टी, भोपाल के यहां कार्य किया और श्रमिक ने कार्य का दूसरा प्रस्ताव जो प्रबंधन ने दिया, अस्वीकार कर दिया। श्रमिक ने स्लैब काम करने से मना किया। श्रमिक की छांटनी नहीं की गई है, इस कारण उसे छांटनी मुआवजा पाने का अधिकार नहीं है। नये खोले गये दफ्तरों में श्रमिक को काम इसलिए नहीं दिया गया, क्योंकि श्रमिक ने पहले ही इस प्रकार का काम करने से मना किया। श्रमिक किसी भी सहायता को पाने का अधिकारी नहीं है।

4. वर्तमान प्रकरण में अर्वाइ दिनांक 17-9-91 को पारित हुआ। इस अर्वाइ को प्रबंधन ने केन्द्रीय प्रशासनिक अधिकरण जबलपुर बेंच में चुनौती दी। आदेश दिनांक 24-2-92 के द्वारा केन्द्रीय प्रशासनिक अधिकरण ने अर्वाइ निरस्त किया तथा इस न्यायालय को दोनों पक्षों के द्वारा प्रस्तुत साक्ष्य को लिखने और इस पर विचार करने के निर्देश दिये।

5. श्रमिक के विद्वान अभिभाषक का प्रथम तर्क यह है कि इस न्यायालय द्वारा पारित अर्वाइ दिनांक 17-9-91 विवाद का निराकरण करता है और केन्द्रीय प्रशासनिक अधिकरण, जबलपुर को इसको वापस भेजने की पात्रता नहीं थी। रिमाण्ड करने का आदेश अवैधानिक है और इस पर कार्यवाही की आवश्यकता नहीं है। केन्द्रीय प्रशासनिक अधिकरण को इस न्यायालय के अर्वाइ पर विचार करने की वैधानिक पात्रता नहीं है। अपात्र के द्वारा दिया गया आदेश इस न्यायालय पर बंधनकारी नहीं है। वास्तव में यह तर्क केन्द्रीय प्रशासनिक अधिकरण के आदेश दि. 24-2-92 के तुरन्त बाद श्रमिक के अभिभावक को प्रस्तुत करना था। 6 वर्ष पश्चात् इस बिन्दु का निराकरण करना प्रेक्टीकल नहीं है। मैं इस बिन्दु पर कोई मत नहीं देता। दोनों पक्षों ने भी साक्ष्य इस न्यायालय में प्रस्तुत की है, उस सब पर विचार होकर अर्वाइ दिया जायेगा।

6. प्रबंधन की ओर से श्री बी. एस. ठाकुर, सुप्रीन्टेण्डेंट सेंट्रल टेलीग्राफ आफिस, भोपाल ने शपथपत्र प्रस्तुत किया है उनके अनुसार श्रमिक की नियुक्ति चौकीदार के पद पर की गई थी। प्रतिपरीक्षण की कंडिका-8 में इन्होंने स्वीकार किया है कि श्रमिक ने लगातार 619 दिन काम किया है। इन्होंने शपथ पत्र की कंडिका-10 में कहा है कि जो भी श्रमिक 30-3-85 से पूर्व दैनिक वेतन भोगी थे, उन सबको नियमित कर दिया गया है।

7. श्रमिक ने अपने शपथ-पत्र में कहा है कि उसने 1-5-85 से 13-2-87 तक लगातार सीनियर सुप्रीटेंडेंट टेलीग्राफ ट्रैफिक, भोपाल के कार्यालय में काम किया है। आदेश प्रदर्श-डब्ल्यू-1 के द्वारा उसका स्थानांतरण डिस्ट्रिक्ट मैनेजर टेलीफोन, भोपाल के कार्यालय में किया गया। श्रमिक ने इस कार्यालय में काम किया। डिस्ट्रिक्ट मैनेजर टेलीफोन ने आदेश 18-6-87 के द्वारा जो प्रदर्श डब्ल्यू-2 है श्रमिक को वापस सुप्रीटेंडेंट, सॉर्टिंग को भेजा। वहां पर इससे काम नहीं लिया गया। श्रमिक के कथन की पुष्टि प्रदर्श-डब्ल्यू-1 और डब्ल्यू-2 से होती है।

8. श्रमिक ने सिद्ध कर दिया कि उसने लगातार 619 दिन प्रबंधन के यहां काम किया था। सेवा समाप्ति के पूर्व उसे न तो छटनी का नोटिस गया था और न छटनी मुआवजा दिया गया था। चूंकि श्रमिक ने एक वर्ष में लगातार 240 दिन काम किया है, इसलिए सेवा समाप्ति के पूर्व उसे एक माह का नोटिस तथा छटनी मुआवजा देना अनिवार्य है। ऐस न करने से श्रमिक की सेवा समाप्ति अवैधानिक है। सेवा समाप्ति अवैधानिक होने से श्रमिक 18-6-87 से अभी तक लगातार प्रबंधन की सेवा में माना जावेगा। श्रमिक इस अवधि का वेतन और भत्ते भी नियम के अनुसार पाने का अधिकारी है।

9. अवार्ड दिया जाता है कि श्रमिक की 18-6-87 से सेवा समाप्ति अवैधानिक है। श्रमिक लगातार सेवा में माना जावेगा तथा 18-6-87 से अभी तक उसे नियम के अनुसार वेतन और भत्ते और वार्षिक वेतन वृद्धि दी जावेगी। अवार्ड मुद्रित होने के तीन माह के अन्दर सम्पूर्ण राशि का भुगतान श्रमिक को किया जाए। अगर ऐसा नहीं किया जाता तो इस दिनांक से भुगतान के दिनांक तक इस राशि पर श्रमिक को 12 प्रतिशत प्रतिवर्ष ब्याज भी प्रबंधन को देना होगा। अवार्ड श्रमिक के पक्ष में और प्रबंधन के विरुद्ध दिया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2596—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरकाजी के प्रबंधन के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/102/91-आई आर (बी यू.)]
के.वी.बी. उण्णी, अवसर सचिव

New Delhi, the 19th November, 1998

S.O. 2596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New

Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on the 19-11-1998.

[No. L-14012/102/91-IR (DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.

I.D. No. 86/92

In the matter of dispute between :

Shri Sompal S/o. Shri Phool Singh, Village Sethpura, P. O. Purkazi, District. Muzaffar-Nagar-251001.

VERSUS

Deputy Director, Military Farm, Central Command, Lucknow-226001.

APPEARANCES :

None for the workman.

Shri M. L. Verma : for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/102/91-I.R. (DU) dated 7-9-1992 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Military Farm Purkazi in terminating the services of Shri Sompal S/o. Phool Singh w.e.f. 1-2-1986 is justified? If not, what relief he is entitled to?”

2. The workman in this case has challenged his discharge from duties by the Management on 1-2-1986. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-1997 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against exparte on 20-1-1998.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The

total number of days put in by the workman as per statement of Shri M. S. Malik was Nil as the workman never worked with the management so his name does not appear on the record. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation, since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2597—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरकाजी के प्रबंधन के संबंध में निर्यातों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/103/91-आई आर (बी. यू.)]
के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on the 19-11-1998.

[No. L-14012/103/91-I.R. (DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.

I.D. No. 84/92

In the matter of dispute between :

Shri Shyam Singh S/o. Balwant Singh, R/o. Sethpura, P. O. Purkazi, District Mazaffar-Nagar-251001.

VERSUS

Deputy Director,
Military Farm,
Central Command,
Lucknow-226001.

APPEARANCES :

None for the workman.

Shri M. L. Verma : for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/103/91-I.R. (DU), dated 8/9-9-1992 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Military Farm, Purkazi in terminating the services of Shri Shyam Singh S/o. Shri Balwant Singh w.e.f. 1-2-1986 is justified? If not, what relief he is entitled to?"

2. The workman in this case has challenged his discharge from duties by the Management on 1-2-1986. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-1997 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against exparte on 20-1-1998.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The total number of days put in by the workman as per statement of Shri M. S. Malik was nil as he was never appointed nor terminated and his name does not appear on the roll of the management. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation, since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2598-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरवाजी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रवाहित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/104/91-आईआर (डी यू-)]
के.वी.बी. उण्णी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on 19-11-98.

[No. L-14012/104/91-IR(DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 83/92

In the matter of dispute between :
Shri Laxmi Chand S/o Shri Mangat Singh,
village Sethpura, P.O. Purkazi,
Distt. Muzaffar Nagar-251001.

VERSUS

Deputy Director,
Military Farm,
General Command,
Lucknow-226001.

APPEARANCES:

None—for the workman.

Shri M. L. Verma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/104/91/I.R. (D.U.) dated 8-9-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Military Farm, Purkazi in terminating the services of Shri Laxmi Chand S/o Shri Mangat Singh w.e.f. 1-2-86 is justified? If not, what relief he is entitled to?”

2. The workman in this case has challenged his discharge from duties by the Management on 1-2-1986. The grounds taken in the statement of claim was that

the action of the management was illegal and not according to the law set up by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-97 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against exparte on 20-1-98.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. As per the statement of Shri M. S. Malik the workman never worked with the management so his name does not appear on the record of the management. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2599-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरवाजी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रवाहित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/105/91-आईआर (डी यू-)]
के.वी.बी. उण्णी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on the 19-11-98.

[No. L-14012/105/91-IR(DU)]
K.V.B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 80/92

In the matter of dispute between :

Shri Ram Lal S/o Shri Tungal Ram,
Village Sethpura,
Post Office Purkazi,
Distt. Muzaffar Nagar-251001.

Versus

Deputy Director,
Military Farm,
Central Command,
Lucknow-226001.

APPEARANCES :

None for the Workman.

Shri M. L. Verma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No L-14012/105/91-I.R. (D.U.) dated 9-9-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Military Farm, Purkazi in terminating the services of Shri Ram Lal S/o. Shri Tungal Ram w.e.f. 1-2-1986 is justified ? If not, what relief he is entitled to ?”

2 The workman in this case has challenged his discharge from duties by the Management on 1-2-86. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-97 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against exparte on 20-1-98.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The total number of days put in by the workman as per statement of Shri M. S. Malik was nil as he never worked with the management so his name does not appear on the roll of the management. He did not work regularly. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 19 नवम्बर, 1998

का.अ. 2600—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरकाजी के प्रबंधन के संबंध में निम्नलिखित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/107/91-आई आर (डी यू)]
के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 19th November, 1998

S.O. 2600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on 19-11-98.

[No. L-14012/107/91-IR(DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI.

I.D. NO. 81/92

In the matter of dispute between :

Shri Mohinder Singh S/o Shri Netra Pal, R/o Village Dhamat, P.O. Purkazi, Distt. Muzaffarnagar-251001.

वर्तमान

Versus

Deputy Director, Military Farm, Central Command, Lucknow-226001.

APPEARANCES :

None for the Workman.
M.L. Verma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/107/91-I.R.(D.U.) dated 9-9-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Military Farm, Purkazi in terminating the services of Shri

Mahinder Singh S/o Shri Netra Pal w.e.f. 1-2-1986 is justified? If not, what relief he is entitled to?"

2. The workman in this case has challenged his discharge from duties by the Management on 1-2-1986. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the Management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-97 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against *ex parte* on 20-1-98.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The total number of days put in by the workman as per statement of Shri M. S. Malik was 19 days in November, 1985 and a short period in October, 1985. He did not work regularly nor ever completed 240 days with the Management. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म, पुरकाजी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-98 को प्राप्त हुआ था।

[सं. एल-14012/108/91-आई आर(डीयू)]
के.बी.बी. उण्णी, अवसर सचिव

New Delhi, the 19th November, 1998

S.O. 2601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on 19-11-98.

[No. L-14012/108/91-IR(DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

ID No. No. 82/92

In the matter of dispute between:

Shri Sombir S/o Shri Sagar,
Village Sethpura, P.O. Purkazi,
Distt. Muzaffarnagar-251001.

VERSUS

Deputy Director,
Military Farm,
Central Command,
Lucknow-226001.

APPEARANCES:

None—for the Workman,

Shri M. L. Verma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/108/91-IR(DU), dated 9-9-92 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Military Farm, Purkazi in terminating the services of Shri Sombir S/o Shri Sagar w.e.f. 1-2-86 is justified? If not, what relief he is entitled to?"

2. The workman in this case has challenged his discharge from duties by the Management on 01-2-86. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-97 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M.S. Malik in support of its evidence. The workman did not appear and was proceeded against ex-parte on 20-1-1998.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The total number of days put in by the workman as per statement of Shri M. S. Malik was nil as he never worked with the management so his name does not appear on the record of the management. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation, since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman so the workman was not entitled to any relief in this case. Parties are however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 1998

का.आ. 2602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फार्म पुरकाजी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-98 को प्राप्त हुआ था।

[सं. एल-14012/112/91-आई आर (डीयू)]

के.वी.बी. उण्णी, अवसर सचिव

New Delhi, the 19th November, 1998

S.O. 2602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Military Farm, Purkazi and their workman, which was received by the Central Government on the 19-11-1998.

[No. L-14012/112/91-IR(DU)]
K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, NEW DELHI

I.D. No. 94/92

In the matter of dispute between:
Shri Janeshwar S/o Shri Sujan Singh
Village Dhamat, P.O. Purkaji,
Distt. Muzafarnagar-251001.

Versus

Deputy Director Military Farm,
Central Command,
Lucknow-226001.

APPEARANCES:

None—for the workman.

Shri M. L. Verma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-14012/112/91-I.R.(D.U.) dated 30-9-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the termination of the workman Sh. Janeshwar s/o Shri Sujan Singh by Military Farm Purkaji w.e.f. 1-02-86 is legal and valid? If not, to what relief the workman is entitled to?”

2. The workman in this case has challenged his discharge from duties by the Management on 1-2-86. The grounds taken in the statement of claim was that the action of the management was illegal and not according to the law settled by the Hon'ble Supreme Court of India regarding daily rated workers serving with artificial breaks in service.

3. Reply to the statement of claim was obtained from the management in which they denied the allegations made in the claim statement.

4. The workman evidence was ordered to be closed on 31-3-97 as he failed to file affidavit inspite of many opportunities granted to him.

5. The Management examined Shri M. S. Malik in support of its evidence. The workman did not appear and was proceeded against ex parte on 20-1-98.

6. I have heard representative for the management and gone through the record.

7. No evidence has been produced by the workman nor his representative has argued the case. The total number of days put in by the workman as per statement of M.S. Malik was 9 days in October, 85 and 27 days in November, 85. He did not work regularly nor ever completed 240 days with the Management. The Farm where he was employed on daily wages for sometime has been closed and was no more in existence.

8. The workman has not come into the witness box nor filed any evidence oral or documentary in support of his case.

9. In view of this situation, since there is no evidence produced by the workman and the management has categorically denied by way of affidavit the allegations of the workman. So the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer